FY 2008 Environment, Safety, and Health Gradients and Protocol

Background Information:

Contract No: DE-AC02-05CH11231

Environment, Safety, and Health Functional Managers:

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Introduction

The Environment, Safety, and Health Functional Managers from the Lawrence Berkeley National Laboratory (LBNL), the Department of Energy (DOE), and the University of California Laboratory Operations (UCLO) have agreed to assess FY 2008 performance according to the methodology described in this document.

Contract 31 – Section 5 Performance Measures
Mid-Year Modifications

Environment, Safety and Health

5.0 Sustain Excellence and Enhance Effectiveness of Integrated Safety, Health and Environmental Protection

5.1 Provide a Work Environment the Protects Workers and the Environment. The weight for this objective is 20%.

In measuring the performance of this Objective, the DOE evaluator(s) shall consider the following:

- The success in meeting ES&H goals.

5.1.1 The Contractor shall control work activities in a manner that protects the health of the workers, public, and environment.

Target: Score is between 2 ⅔ and 3 points. Points are allocated by applying agreed upon weighting factors to each environmental incident in accordance with the document "Weighting Factors for Environmental Incidents at LBNL." Severe incidents (for example, a penalty from an enforcement action in excess of $100K) will result in a weighting factor of 5.

Gradient:

A+	A	A-	B+	B	B-	C+	C	C-	D	F
< 1	1, 1 ⅓	1 ⅔, 2, 2 ⅓	2 ⅔, 3	3 ⅓, 3 ⅔	4, 4 ⅓	4 ⅔	5	5 ⅓, 5 ⅔	6, 6 ⅓, 6 ⅔	7 and above

5.1.2 The scoring of radiological incidents relative to an internal control number.

Target: The scoring for radiological incidents is at or below 3. Laboratory and DOE will apply a weighting factor to each radiological incident depending on severity, magnitude, and proactive nature of the work that may have resulted in the issue in accordance with the document "Weighting Factors for Radiological Incidents at LBNL". Due to the severity, a reportable occurrence categorized as a category 1 under Group 6 of the Occurrence Reporting and Processing System (ORPS) will be weighted 5.0, which results in a maximum letter grade of a "C" for the performance year.

Protocol:

Radiological incidents are defined as:

- Reportable occurrences categorized as significance category 2, 3, or 4 under Group 6 of the Occurrence Reporting and Processing System (ORPS).
- Reportable occurrences categorized as significance category 1 under Group 6 of the Occurrence Reporting and Processing System (ORPS) will be weighted 5.0.
- Items requiring entry in the Price-Anderson Amendments Act Non-Compliance Tracking System (PAAA NTS).
- Non-compliances that are reportable under ORPS and entered into PAAA NTS will only count as one issue.

- ORPS category 4 Spread of Radioactive Contamination occurrences are excluded from this measure. ORPS category 4 Personnel Contamination occurrences are weighted 0.5.

Gradient:

A+	A	A-	B+	B	B-	C+	C	C-	D	F
0	1	2	3	3.5	4	4.5	5	5.5	6	>6

5.1.3 The Contractor's progress in achieving and maintaining "best-in-class" ES&H program performance, as measured by the days away, restricted or transferred (DART) case rate.

Target: DART rate is 0.25

Gradient:

A+	A	A-	B+	B	B-	C+	C	C-	D	F
<0.15	0.15-0.19	0.2-0.24	0.25	0.26-0.5	0.51-0.55	0.56-0.6	0.61-0.65	0.66-0.7	0.71-0.75	>0.76

5.1.4 The Contractor's progress in achieving and maintaining "best-in-class" ES&H program performance, as measured by the total recordable case rate (TRC).

Target: TRC rate is 0.65

Gradient:

A+	A	A-	B+	B	B-	C+	C	C-	D	F
<0.31	0.31-0.47	0.48-0.64	0.65	0.66-1.17	1.18-1.22	1.23-1.27	1.28-1.32	1.33-1.37	1.38-1.42	> 1.42

5.2 Provide Efficient and Effective Implementation of Integrated Safety, Health and Environment Management. The weight for this objective is 50%.

In measuring the performance of this Objective, the DOE evaluator(s) shall consider the following:

- Demonstration of the commitment of leadership to strong ES&H performance
- The maintenance and appropriate utilization of hazard identification, prevention, and control processes/ activities; and
- The degree to which scientist and workers are involved and engaged in the ES&H program at the working level.

5.2.1 Complete required safety-related training per Job Hazard Questionnaire.

Target: 90% by 9/30/08.

Gradient:

B+	B	B-	C+	C	C-	D	F
90	85 - 89	80 - 84	75 - 79	70 - 74	65 - 69	60 - 64	< 60

Protocol: In order to score above a B+ LBNL must demonstrate areas of notable performance improvement.

5.2.2 Authorize work using the Job Hazards Analysis.

Target: 75% of affected LBNL employees have authorized JHA by 9/30/08.

Protocol:

The value is calculated as follows:

- "Authorized JHA" means that the final individual baseline JHA has been reviewed by the Worker and signed by the Work Lead, and that the work has been authorized. Completion of the JHA is sufficient to meet this requirement; completion of specified training is not required. This information can be obtained from the JHA data management system.
- "Affected LBNL employees" are LBNL employees who work at LBNL or at offsite locations considered to be LBNL spaces (for example, Donner and Calvin Laboratories, Berkeley West Biocenter) who have been onsite for greater than 30 days. This information is also available from the JHA data management system as well as HRIS.

Gradient:

A+	A	A-	B+	B	B-	C+	C	C-	D	F
≥ 90	81-89	76-80	75	70-74	65-69	60-64	55-59	50-54	45-49	≤44

5.2.3 Senior line management is committed to a pervasive safety culture, and strives for continuous safety performance improvement.

Target: Senior line management is further strengthening LBNL's safety program through comprehensive implementation of the Corrective Action Plan for ISMS. All 17 major activities scheduled for FY08 will be completed, integral with a strategy of continuous improvement.

90% (B+) completion of major activities scheduled to be completed by 6/30/08 in Integrated Safety Management System (ISMS) Evaluation Corrective Action Plan.

Gradient:

B+	B	C	D	F
90	89 - 80	79 - 70	69 - 60	≤ 59

Protocol:

1. BSO will verify implementation and appropriateness of major activities.
2. LBNL will provide monthly status report of major activities completion to BSO
3. BSO will provide feedback to LBNL within 60 days of LBNL notification of closure
4. In order to score above a B+ LBNL must effectively implement ISMS improvements with no significant gaps in ISMS identified.

5.2.4 The contractor will initiate steps to apply for and receive DOE VPP STAR status under the DOE Voluntary Protection Program.

Target: The contractor will conduct a gap analysis of their safety program against the VPP criteria and deliver a report to BSO that presents the gaps and an Improvement Plan to address the gaps. The gap analysis and improvement plan are due by 9/30/08.

Gradient:

B+	C	D/F
Complete gap analysis and submit Improvement Plan to BSO by September 30, 2008.	Complete gap analysis by September 30, 2008.	Gap analysis not complete by September 30, 2008.

Protocol: In order to score above a B+ LBNL must demonstrate evidence of progress toward closing gaps identified.

5.3 Provide Efficient and Effective Waste Management, Minimization, and Pollution Prevention. The weight for this objective is 30%.

In measuring the performance of this Objective, the DOE evaluator(s) shall consider the following:

- Environmental Management System implementation
- Success in waste minimization (low level, mixed low level, hazardous, and/ or sanitary waste), emission reduction, and/or resource conservation

5.3.1 The Contractor shall develop, implement, and maintain certification equivalence of an LBNL Performance-based Environmental Management System (EMS).

Target: Meet the minimum requirements for green rating on the EMS Annual Report Scorecard, based on guidance developed for federal agencies to comply with the EMS reporting requirements of Executive Order 13423 *Strengthening Federal Environmental, Energy, and Transportation Management.*

LBNL's EMS performance will be assessed for each one of the following 7 metrics:

1. Environmental Aspects
2. Goals, Objectives, and Targets
3. Operational Controls
4. Environmental Training
5. Contracts
6. EMS Audit/Evaluation Procedures
7. Management Review

Using the E.O. 13423 EMS reporting guidance, the overall facility score is used to determine a green/yellow/red rating. It is based on a rating system where an "A" indicates the minimum amount of implementation for a metric and a "D" indicates full implementation for a metric. The minimum requirements for green, yellow and red ratings are as follows:

Green Rating	At least 5D's, no more than 1 B, no A's at all; **or** at least 4 D's, no B's at all, no A's at all
Yellow Rating	At least 4 C's (or D's) , no more than 1 A
Red Rating	Neither green nor yellow

Gradient:

A	B+	C	D
Obtain a high green rating (at least 6 D's, no B's, no A's)	Obtain a minimum green rating	Obtain a yellow rating	Obtain a red rating

5.3.2 The Contractor shall complete the EMS Projects.

Target: Complete the equivalent of two projects from the jointly agreed to list of potential projects.

Protocol:

By March 31, 2008 LBNL and BSO will jointly agree on the potential candidate projects and their respective potential point values with the understanding that several small projects may be grouped together and counted as one point. Additional projects may be identified after March 31, 2008, and used for this performance measure. The examples of projects to be considered include: LEED building design and certification, sealing of ventilation ducts, cooling tower water treatment, procurement of environmentally friendly products, and reducing LBNL commute traffic. The number of points earned will determine the grade for this performance measure.

Gradient:

A	B+	B	C	D	F
2 ¼ and above	2	1 ¾ , 1 ½	1 ¼ , 1	Less than 1	No points

Weighting Factors for Environmental Incidents at LBNL
FY2008

Wt Factor	Description
1/3	Category 1) Minor Non-compliance: An isolated incident that results in an NOV issued primarily for administrative deficiencies or a reportable release other than a courtesy notice to local agencies. Examples: • An undated HW container. • Submitting an incomplete or a late self-monitoring report. • Agency inspection reports requiring such things as housekeeping or minor recordkeeping improvements. • Failure to make recordkeeping entry in logbook. • A sewage spill of greater than 1,000 gallons that does not pose a significant hazard (e.g. released to land and retained within the LBL site or does not exceed the Basin Plan water quality objectives). • Regulated hazardous waste found in an onsite sanitary waste container by an external party (no NOV issued). • A non-routine potable water release resulting in chlorine and/or chloramine concentrations in a creek (not the storm drain) exceeding permit limits with no visible environmental damage (e.g. fish kill).
2/3	Category 2) Moderate Non-compliance: An incident that results in either a NOV (for other than administrative deficiencies) or a reportable release other than a courtesy notice to local agencies; or results in a potential exposure to hazardous materials/waste above regulatory limits. Or a repeated minor non-compliance (see note #2). Examples: • A leaking HW container (NOV issued). • A sewage spill of greater than 1,000 gallons that results in a significant environmental or public health hazard (e.g. released into storm drain and exceeds the Basin Plan water quality objectives). • An oil spill of greater than 42 gallons to the environment (not captured by secondary containment. • Use of a coating product at paint spray booth for a special purpose in which coating exceeds applicable regulatory VOC limit (NOV issued). • Regulated hazardous waste found at an offsite location (e.g. sanitary waste disposal facility). • A hazardous waste or material release above federal (e.g. CERCLA & EPCRA reportable quantities that reaches air, soil, or surface water (no NOV issued). • Error in waste preparation/shipment resulting in additional cost to the TSDF. • A non-routine potable water release resulting in chlorine and/or chloramine concentrations in a creek (not the storm drain) exceeding permit limits with no visible environmental damage (e.g. fish kill) (NOV issued).

- *Reportable occurrences of environmental releases exceeding regulatory or permitted levels established by Federal, State or Local agencies (authorized by Federal or State agencies to implement Federal or State environmental statutes).*

4) The DOE has the authority to set the weighting factor for each incident dependent upon the circumstances surrounding the incident. This will include the possibility of assigning a weighting factor of > 1.0 for violations that are considered gravely harmful to humans or the environment. DOE will not use a > 1.0 weighting factor except in extremely unusual circumstances.
5) Reportable quantities are defined in a number of federal environmental regulations including, but not limited to:
   - 40 CFR 117 (CWA)
   - 40 CFR 302 (CERCLA)
   - 40 CFR 355 (EPCRA)
   - 40 CFR 761 (TSCA/PCBs)

   [Note: State water quality control act refers back to federal RQs or noncompliance with permit; State hazardous waste control law refers to a release that could threaten health or cause fires or explosions, noncompliance with permit, implementation of contingency plan; state clean air act refers to a release that violates emission standards, which doesn't apply here; California vehicle code refers to any hazardous material release on the highway.]
6) Historical releases that were discovered during the current performance year may not be counted. Representatives from DOE and LBNL will discuss the circumstances of the release and make a determination. For example, mercury discovered encased within a sediment layer in a storm drain catch basin or PCBs discovered below a building foundation where it is believed that the release had occurred a number of years ago.

Ron Pauer 7/13/07

Ron Pauer Date
LBNL

Nancy Rothermich 7/13/07

Nancy Rothermich Date
LBNL

K. Abbott 7/13/07

Kim Abbott Date
BSO

Weighting Factors for Radiological Incidents at LBNL
July 24th, 2007

Radiological incidents are reportable occurrences under the Occurrence Reporting and Processing System (ORPS), or the Price Anderson Amendments Act (PAAA) Non-compliance Tracking System (NTS).

Wt. Factor	Description
0.5	• ORPS category 4 Personnel Contamination occurrences. • ORPS category 3 Loss of Control of Radioactive Material, when material is located on site, in a properly posted area, within 5 business days of ORPS categorization.
1.0	• All other ORPS reportable occurrences not described in this table or in notes below.
5.0	• Due to the severity, a reportable occurrence categorized as a category 1 under Group 6 of the ORPS will be weighted 5.0, which results in a maximum letter grade of a "C" for the performance year.

Notes:
1) Non-compliances that are reportable under ORPS and entered into PAAA NTS will only count as one issue.
2) ORPS category 4 Spread of Radioactive Contamination occurrences are excluded from this measure.

Neil Landau — Date — BSO

Christine Donohue — 07/27/07 — Date — LBNL