

# RECLAMATION

*Managing Water in the West*

Final Report

## Acquisition Safety Review

Safety and Occupational Health Action Plan  
Team 10



## **Mission Statements**

The mission of the Department of the Interior is to protect and manage the Nation's natural resources and cultural heritage; provide scientific and other information about those resources; and honor its trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

## **Safety and Occupational Health Vision Statement**

Reclamation embraces safety excellence by empowering employees and integrating safety into our mission, achieving a culture which results in a safe environment for our employees, contractors, visitors and the public.

## **Acquisition Safety Review -**

### **Safety and Occupational Health (SOH) Action Plan Team 10 (Team)**

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## Background

The Bureau of Reclamation (Reclamation) has a long tradition of setting industry leading safety practices and instilling safety values in its workforce. During the 1930s, Reclamation mandated hard hat usage during the construction of Hoover Dam. Beginning in the 1940s, Reclamation regularly published safety newsletters, detailing safe work practices and provided accident information to help prevent similar events elsewhere. It was during this time the first Reclamation safety requirements manual was developed, the forerunner of today's Reclamation Safety and Health Standards (RSHS), commonly known as the "Yellow Book." These safety standards, in combination with the United States Army Corps of Engineers safety standards, purportedly informed the first federal safety regulatory requirements published by the Occupational Safety Health Administration (OSHA) in the early 1970s.

As Reclamation has transitioned from water resources development to water resource management, there are new functions and risks that were not as prominent in Reclamation's prior lines of business. Reclamation has developed a tremendous set of assets for managing water resources in the western United States. Many of these are physical assets that enable storage, transport, and delivery of water. They also enable the generation of power for customers and stabilization of the nation's bulk electric power system. Even more important than these physical assets are the people who serve in Reclamation. Every person in Reclamation is part of a legacy of hard-working people who have helped build and continue to sustain the West. Reclamation personnel play a critical role in determining how the physical assets will be used to meet many competing demands or ensure that the physical assets successfully fulfill their intended purposes.

As an organization, Reclamation invests extensive resources in developing staff to perform their assigned duties. Knowledge, skills, and abilities are its most important asset in assuring that the mission of Reclamation is successfully executed. Injuries, lost-time accidents and other SOH issues can have devastating impacts on the ability to effectively carry out Reclamation's mission and return its employees home safely upon completion of daily work activities.

Recently, OSHA inspections of large facilities, a Department of the Interior (DOI) Office of Occupational Safety and Health review of Reclamation's (SOH) program (Interior 2013), and several tragic accidents have reminded us that building and maintaining an effective safety culture requires continual efforts. The SOH Program review by DOI, in 2013, identified several opportunities for improvement in Reclamation's safety program. In response to the findings in the SOH Program review, Reclamation released the *Safety and Occupational Health*

*Action Plan* (Reclamation 2014b). As outlined in the SOH Action Plan, Twenty one Reclamation-wide Teams were assembled to review and improve SOH program elements. Team 10, with members listed in Table 1, was tasked to “develop a process to ensure a safety review of the acquisitions for materials posing a safety or occupational health risk.” While this task was not identified during the 2013 SOH Program review, the SOH action plan team recognized the importance of ensuring that there are safety checks integrated into the procurement process so that Reclamation is not acquiring products that pose an undue risk.

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## Objectives

The objective of Team 10 was to review the current acquisition process to determine if there are gaps for potentially unsafe risks, and provide recommendations based on the analysis. The following questions, from the SOH Action Plan, were utilized as the starting point for reviewing the current process:

1. Are there alternative materials available without the same hazard exposure?
2. Are personnel properly trained to handle the materials when they arrive?
3. Are there adequate provisions for storage of the materials when they arrive?
4. Is the acquiring office aware of reporting responsibilities?

During the evaluation process, the Team identified additional questions that should be considered.

5. Are there acquisition procedures for evaluating safety and occupation health risk items? If so, are these procedures being followed?
6. Similarly, are there specific procedures for charge card purchases? If so, are they being followed?

## Process

A review of the reference documents and in particular the “documentation of action” the Team decided the following basic processes would be used for creating our Project Management Plan (PMP), milestones and delivering this report:

1. Review existing Reclamation Manual (RM) documents governing procurement and safety standards, the Federal Acquisition Regulation (FAR), Reclamation Acquisition Regulation (RAR), and other related documents such as the RSHS.
2. Review available documents from other Federal agencies and industry to see how they are addressing safety in procurement.
3. Assess the strengths and weaknesses of Reclamation’s approach to addressing safety in procurement and recommend potential areas for improvement in a report.
4. Obtain a leadership decision for implementation actions to be taken.
5. Develop a project plan for implementation of the approved recommendations.

## Assumptions and Limitations

The Team realized that given the limited timeframe, members regular duties and budget that to complete this report the following needed to be considered in the results:

### Interviews

- Internal:  
The scope of the internal interviews is limited to a sample of Reclamation offices, dams, and their associated power facilities. Information is compiled from three regions at either their associated area and/or field offices. Even though a variety of Reclamation facilities were included to various degrees, the interviews covered only a sample of Reclamation operations and associated job titles. The interviews were conducted with individuals who participate in various capacities of fieldwork and directly or indirectly procure equipment, supplies, and/or chemicals as a function of their job duties. The results of the interview should, therefore, be viewed in the perspective of the sample evaluated. Overall, results could vary if an alternate sample of offices and operations were evaluated.

When conducting interviews, it was assumed the employees would be honest in their responses. While the employees’ identities and responses were known to the interviewer, their responses were consolidated into

general statements, with no specific reference to the employee. Since most employees did not know the interviewer, there may not have been enough time to establish a trusting relationship on the purpose and use of the survey and their responses.

- External: The information received from other Federal Agencies and the private sector was limited due to the organizations considering it proprietary information

## **Questionnaires**

The scope of the questionnaires is limited to the accuracy of the Reclamation-wide list of Contracting Officer Representatives (CORs), Contract Specialists, Contract Officers, and Purchase Card Holders; and, more specifically, limited to the percentage of respondents. While the surveys were disseminated Reclamation-wide to the aforementioned groups of employees who have or are involved in the procurement of supplies and/or services, the responses were consolidated and not tracked to specific regions and/or office due to keeping the anonymity of the respondents. It was assumed that the survey respondents would provide honest answers to the survey questions due to the anonymity and confidentiality of the survey. It was also assumed that not all survey recipients would complete the survey; this may or may not have been associated with trusting the anonymity of the survey.

# **Data Analysis**

## **Definition of Scope and direction**

The Team determined that more information was needed on the scope and direction of this task. So prior to beginning its research a call was held with an original member of the SOH action plan team. Processes one through four were discussed as well as some additional thoughts that later became processes five through eight. Based on this information the Team proceeded with the steps outlined by the processes, PMP and established milestones.

## **Evaluation of Current Reclamation Procurement Process**

The review of the current process for acquiring materials had several components to research. The FAR Part 23 was studied and discussed among the Team and was found to have the most significant application to the acquisition safety

review. The FAR provides specific rules and regulations for making sure a review occurs for safety risks such as: Acquisition of personal protective equipment, Notice of radioactive material, Exposure to tobacco smoke in the Federal workplace and many more (a complete list is available upon request). The FAR prescribes certain safety standards that must be instituted by contractors during the performance of a contract.

The Department of Interior and Reclamation have written further instructions and procedures such as Departmental Manuals, Policies, Directive and Standards, for employees to follow during the acquisition process. However, during this review the Team realized that a gap existed in a standard process of credit card purchases for safety or occupational health risk items and a major focus needed to be placed on its improvement. Besides the acquisition regulations there are also the Office of Safety and Health Administration (OSHA) standards, industry standards and RSHS in place for “how to do the job”, which are great resources to use during the acquisition process.

Overall, there are many rules and regulations in place that if followed will provide safe acquisition of materials.

## **Internal Reviews**

Since there are regulations and standards, the Team needed to verify if employees have been properly trained and are following the regulations and standards discussed. Interviews with several field office staff who work in the field or conduct purchasing in support of the field operations were asked questions about; alternative materials available, properly trained personnel to handle the materials, adequate provisions for storage and reporting responsibilities. These employees all shared concerns that there was some training, discussions and processes, but there is a lack of and understanding, consistency and uniformity.

## **Questionnaires**

The internal reviews had been limited to a small number of employees and it was determined that further investigations was needed to determine if rules and regulations are being followed. A set of questionnaires was created to help in this determination. The following two groups were sent a questionnaire:

1. Contracting Officer Representatives or CORs –A Government official appointed by the Contracting Officer who provides technical direction, clarification and guidance with respect to the contract specifications and statement of work.
2. Contract Specialist, Contract Officers and Purchase Card Holders (Buyers) Government officials who have authority to enter into, administer, or

terminate contracts and make related determinations and findings. May only bind the Government to the extent of the authority delegated to them

The results of the questionnaires were informing and provide some additional insights to concerns raised during the interview of field office staff. The results showed the following areas of concern:

- Insufficient standard processes
- Insufficient training
- Insufficient understanding of the laws, policies and regulations
- Insufficient communication between purchasing employee and customers

#### Insufficient Standard Processes

When asked if they had a process in place, approximately 51% of the CORs surveyed indicated that they do have a process when acquiring SOH materials. Here are some examples of processes being used:

- Reviewing, obtaining, and evaluating Material Safety Data Sheets (MSDS) with Safety and Health office or subject matter experts, and the
- SEMS process via part of Hazard Communication and/or the Environmental Group

When asked if their office had a procedure in place, approximately 60% of CORs and 32% buyers indicated that their office did a process in place for acquiring SOH materials. The following are some examples provided:

- Sustainability and Environmental Management System (SEMS) checklist and/or contact the Hazard Materials Group.
- Job Hazard Analysis (JHA) and/or contact the safety office/manager for assistance.
- Gather, obtain, and file Material Safety Data Sheets (MSDS)
- Review monthly purchase card statements for SOH types of purchases.

Based on the results of the questionnaire, there are at least 51-60% of respondents who have some process in place. However, there are 40-49% of respondents that are not aware of a process, suggesting that no bureau-wide standard process is in place for purchasing SOH materials. The Team could not find any bureau-wide process

Also other Federal Agencies and private companies were contacted on their purchase processes in relationship to SOH risks. The DOI Bureau confirmed following FAR and SEMS program similar to Reclamation's for "green" or "alternative" purchasing. The private companies were a little more close hold but did share the practice of a "do not purchase" chemical list. Reclamation does not currently have a Reclamation-wide list; however, some offices do have a list. This particular item was mentioned throughout the questionnaires as a tool that would be helpful to employees and warrants a recommendation for further examination.

### Insufficient Training

Questionnaire results showed approximately 50% of CORs and 51% of Buyers had not received RSHS training. Lack of training could lead to a potential risk of purchasing potential hazardous items due to lack of knowledge.

The desire for additional safety training from the employees who filled out the questionnaires was significant. While some of the suggested training was not related to safety it shows the employees feel they need additional training to do their job. Some common suggestions included:

- Safety and health such as JHA development, MSDS, RSHS, construction safety, etc.
- Environmental sustainability such as ordering green, pollution control, etc.
- Contract Officers Technical Representative (COTR) training, such as basic overview, policy, duties of a COR

### Insufficient understanding of the laws, policies and regulations

89% of the CORs stated they had knowledge of laws, policies and regulations pertaining to purchasing materials that may pose a safety and occupational health risk. Only 35% of buyers possessed this same knowledge which could lead to risk in

- Unintentionally buying materials and supplies that may pose an undue safety, occupational, or health risk
- relying on customers to complete due diligence
- buying the same material they always have

It is recognized that additional education and training needs to be provided in this area.

### Insufficient communication between purchasing employee and customers

The survey results regarding this item showed approximately 26% of the employees who have purchasing responsibility are not depending on their customer to ensure all necessary technical requirements are being met. It appears there's no clear guidance on how customers and purchasers should collaborate which may cause projects not being built to designer specifications or hazardous

materials purchased. This issue is being reviewed by SOH action plan teams 20 and 21.

## Recommendations

Based on the information that the Team gathered and analyzed during this process, the following recommendations are suggested:

### Business Practices

- Create and implement a bureau-wide process that includes a review for safety or occupational health risk hazards during the acquisition process. Coordinate with Team 20 to integrate this process with safety in design and work planning processes. Need to make sure that it includes a process for the credit card (including micro) purchases. Could include the following:
  - Implement electronic chemical hazardous inventory across Reclamation which includes approvals for purchases and can be customized
  - The Hazard Materials Group and the Safety & Health Group should coordinate and evaluate areas of overlap. Investigate ways to improve communications and processes.
  - Flag products or chemicals with high health (including carcinogenic or potentially carcinogenic) and fire ratings and environment hazard (water emphasis, etc.). See if there are substitutions for less hazardous product or chemical.
  - Flag equipment, machinery etc. for potential safety risks
  - Flag purchases if noise level is over 85dBA. See if quieter machinery or equipment or tools, etc. and if feasible.
  - For chemical purchases, create a policy and standardize a “chemical request form” that is routed through several departments for approval. For an example of policy and form used at the Grand Coulee Power Office see appendix E.
  - Implement and follow the “Buy Quiet” D&S (Appendix F).
- Create a Reclamation-wide guide or check list that can be used by employees to decide whether the proposed purchase may cause a safety risk. Materials and equipment vary widely and it is not practical to develop a single list that addresses all possible concerns, however if board and general guidelines were written for the employee, it could provide help. For example a portable metal or conductive ladders should not be purchased for electrical work due to safety hazards (29 CFR 1926.951(c)(1)).

### Education and Training

In conjunction with Teams 17, 18 and 19:

- Develop and provide awareness training courses to employees about purchasing items that may cause a safety hazard. This training could include an overview of OSHA, RSHS requirements, guides, lists and references that are available.
- Conduct instructor led MSDS, RSHS, and OSHA training to contract specialists, CORs and COTRs to acquaint them with safety regulations and policies. Conduct refresher courses to update as new policies or regulations are created.

Other Recommendations outside the purview of Team 10

- Recommend further study of adequate storage space for hazardous materials as mentioned during the interview of personnel
- Review of reporting responsibilities for chemical spills
- Provide HazCom and reading Safety Data Sheets (SDS will be replacing the MSDS) training on an annual basis with specific training on hazardous chemicals prior to their use

## Implementation Plan

The Team has not currently developed an implementation plan pending approval of recommendations. Upon approval the Team will reconvene to prepare the implementation plan.

## Conclusions

Reclamation has a responsibility to provide a safe and healthful working environment for all employees. Safety is a benefit to the individual, enhances productivity and quality in an organization, and provides positive results for the public taxpayer. The Bureau of Reclamation has long been actively engaged in the implementation of safety and health standards, and our future success depends, in part, on an aggressive commitment to the safety and occupational health program. Such commitment is integral to the Reclamation culture and is indicative of the pride we take in excellent performance.

Throughout the process Team 10 looked at each of the objectives and found that there are issues and concerns that need to be addressed in the acquisition arena. The Team found gaps in the areas of business practices and education and training that need some additional work. However, Team 10 validated that there are laws,

policies, regulations, etc. in place to follow for the acquisition of materials posing a safety or occupation health risk. The Team has made multiple recommendations that if pursued through a comprehensive implementation plan could fill these gaps and make for a better and safer workplace.

## **Appendix A – Milestones #1-7**

The following 15 milestones were developed to achieve the objectives of the Team:

1. Direction on Team Specifics and boundaries
2. Review Current process for acquiring materials
3. Review if the current process is being followed
4. Review documents from other agencies and industry
5. Review Gaps in the internal and external processes
6. Review for potential Risks
7. Discussion with other SOH Teams #20 and #21
8. Write Report with recommendations and implementation plan
9. Complete Draft Report
10. Review by other SOH Teams
11. Review by the RDCCT
12. Complete Final Report
13. Obtain Decisions on proposed recommendations
14. Create or modify current process - include alternative materials training and storage
15. Implement the approved actions

This appendix includes additional information on milestones 1-7.

### **Milestone #1 – Direction on Team specifics and boundaries**

The Team determined that they needed more information on the scope and direction the acquisitions safety review team. So it was decided to have the Team leader discuss with Larry Schoessler, GP Region, who had been on the original SOH action plan team. He was the subject matter expert on what was discussed about safety acquisitions. The safety action plan team had the two following concerns that were written up in the “document of action:

1. Safety in design
2. Safety in procurement

The first concern is being handled by Team 20 and therefore is not relevant to this report.

According to Larry, the concern over safety in procurement kept coming up in the safety action teams’ discussions even though it had not been part of the original recommended areas for review by the DOI review. So the SOH action plan team decided to include this area and recommended a Team 10 be formed to review acquisitions occurring in Reclamation related to safety concerns. The SOH action team was not sure if there were any processes or criteria in place prior to purchasing items that have an inherent safety risk such as chemicals, ladders, etc.

This would include contracts and credit card purchases. While it is known that the Federal Acquisitions Requirements (FAR) have requirements the following questions had risen:

- Does Reclamation have steps written down on what to do?
- Are there any Reclamation-wide processes to follow?
- Who is making the decision to buy the products?
- Are there controls in place when we buy things?
- Any checklists that are being used as a guide?
- Do purchases need to go through a safety review prior to being purchased?
- Are employees trained on what to buy? E.g.; Green purchase vs. hazardous product

The SOH action plan team was concerned about these issues but also wanted Team 10 to be aware of making things to burdensome.

Based on the discussion with Larry, Team 10 felt that project management plan and milestones that it had created in its first meeting were in the right direction.

## **Milestone #2 - Review Current process for acquiring materials**

Reclamation has a responsibility to provide a safe and healthful working environment for all employees. Safety is a benefit to the individual, enhances productivity and quality in an organization, and provides positive results for the public taxpayer. The Bureau of Reclamation has long been actively engaged in the implementation of safety and health standards, and our future success depends, in part, on an aggressive commitment to the safety and occupational health program. Such commitment is integral to the Reclamation culture and is indicative of the pride we take in excellent performance.

Federal law and departmental regulations provide the authority to expend funds and manpower to develop and implement programs that protect the safety and health of Federal and contractor employees and prevent accidental damage of Government property. The following standards are incorporated in the Reclamation Manual by reference through SAF 01-01, Safety and Occupational Health – General, Para. 3. E, under a waiver authorized by the Commissioner dated December 22, 2009: United States Code (U.S.C.) 7902; Sections 6 and 19 of Public Law 91-596, Occupational Safety and Health Act of 1970; 29 U.S.C. 651 et. seq., 43 U.S.C. 1457, Executive Order 12196, 29 Code of Federal Regulations (CFR) 1960; Contract Work Hours and Safety Standards Act; and Departmental Manual, 485 DM. These standards form the backbone for Reclamations Safety and Health Standards (RSHS).

The RSHS, commonly referred to as the “yellow book,” prescribes the safety and health requirements for all Reclamation activities and operations. All contracts or agreements for performance of work on Reclamation facilities must incorporate provisions for compliance of these standards. These standards are consistent with the health and safety standards prevalent in the industry, the Occupational Safety and Health Act of 1970, Public Law 91-596, and Department of the Interior regulations.

When acquiring supplies and services, Reclamation utilizes required Federal Acquisition Regulations (FAR), Department of the Interior Regulations (DIAR) and other Federal agency policies (e.g. Office of Safety and Health Administration, Environmental Protection Agency). Reclamation has outlined the use of these governing regulations under Reclamation Acquisition Regulations (RAR) Part 23, entitled Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety and Drug Free Workplace.

In addition, the Resource Conservation and Recovery Act (RCRA) and Environmental Law and Executive Order 13101 (entitled “Greening the Government through Waste Prevention, Recycling, and Federal Acquisition” dated 14 September 1998), are primary documents which spell out the Government intent to improve its use of recycled products and environmentally preferable products and services.

All operations on Reclamation facilities and operations utilizing Reclamation equipment must comply with applicable provisions of Federal, State, and municipal safety, health and sanitary codes. If there is a difference between the provisions of these standards and the safety and health regulations promulgated by the U.S. Department of Labor in Title 29 CFR, Parts 1910 and 1926, Occupational Safety and Health Act of 1970, or approved State plans, the more stringent provision will prevail.

Therefore, Reclamation employees and its contractors are subject to the regulations provided by both the Occupational Safety and Health Administration (OSHA) and the RSHS. When it comes to safety and health, OSHA requires the reduction or elimination of a hazard, such as exposure to prolonged high noise levels, to be addressed through the implementation of engineering controls prior to implementing administrative and personal protective equipment strategies. The RSHS, revised in 2009, specifically states in Section 2.1.1 that “The operating organization must provide a safe and healthful work environment.” Section 7.3.1 of the RSHS further requires the use of “engineering controls as the primary means to minimize workplace health hazards. Engineering controls may include, but are not limited to, the use of enclosures, isolation, substitution of materials, or ventilation.”

While the RSHS addresses many safety and health issues, it does not establish a process for evaluating and acquiring materials that may pose a safety, occupational and/or health risk. The RSHS does, however, establish requirements

for the use of personal protective equipment (Section 8), most recently revised in August 2013, and on the standards for material handling, storage, and disposal (Section 11).

The Team evaluated the RSHS, the FAR, and other acquisition policies, to determine whether guidance existed on “how” materials that may pose a safety, occupational and/or health risk are acquired. Then, the Team evaluated ways the materials were acquired—through contracts and purchases.

Team 10 reviewed the aforementioned acquisition policies being used in acquisition contracts and purchases made with the charge card. Further, the policies contained in the Reclamation Safety Health Standards were also reviewed during this process to assess if gaps existed in its content. It appeared that acquisition staff had guidance to ensure services and supplies, greater than the micro-purchase threshold (\$3,000) are being purchased with consideration to safety, occupational and health risks. During this review period the Team was not able to conclude if written guidance existed for procurements less than the micro-purchase threshold (\$3,000). The Team decided to question the acquisition community throughout Reclamation to determine if there are practices in place to ensure purchase requests for services and supplies are being reviewed to determine if they pose a safety, occupational and/or health risk to employees. The questionnaires and results are covered in Milestone 3, Appendix C and Appendix D.

As part of the current acquisition process, several field office staff who work in the field or conducting purchasing in support of field operations were interviewed. Please note that this was a very small sampling; not all field offices were represented and definitely not all employees were interviewed. Below is a sampling of the questions and a summary of the responses. During the interviews, other topics were discussed and an overview of those issues and concerns are also summarized.

- **Are there alternative materials available without the same hazard exposure?**

The general response of the field employees was that what they are currently using for chemicals has to comply with the “buy green” rules, and the assumption was that this reduced their hazard exposure. While mentioning they had to “buy green,” several mentioned that the “green products” do not work as effectively as what they used to use and, many times, they have to use multiple “green products” to accomplish a task that used to be completed with one chemical. Many employees mentioned that there has been a greater interface with their Hazardous Materials Coordinators and/or an Industrial Hygienist that has increased their awareness to the exposures of chemicals they are working with and around while completing mission critical work. A few employees specifically mentioned that an Industrial Hygienist made them aware of the risks

working with two-part epoxies and have worked with them to find a product that accomplishes the same result, while lowering their risk of exposure. Several mentioned utilizing Safety Data Sheets (SDS) to evaluate chemicals or other guidance such as NIOSH. One employee mentioned utilizing the research being done out of the Technical Services Center (TSC) on metal coatings; the TSC is testing new products for functional durability that offer lower risk to human health and are “green products.”

When it came to non-chemical purchases, the common response was there are no federal standards in place—they “spec what they want to do the job and ask for it.”

In conclusion, purchasing “green” chemicals is a misnomer and comes with the expectation that green products are safer for workers and the environment. Placing the word “green” in a name or on a bottle does not ensure that a chemical is safe. Purchasers should review the chemicals (evaluation of SDS) they purchase, including green cleaning products, to understand their health and safety hazards. Green chemicals address environmental sustainability, or the reduction in environmental impact; however, green chemicals do not address other human health and fire hazard concerns. Many “green products” are considered safe if used by the product label; however, in field conditions, the chemical may not be used under prescribed conditions and/or may be used in combination with other products, green or otherwise, that may, in combination, pose a safety or health risk. Such risks may include chemical reactions that produce irritating and/or toxic fumes and or risk of fire or explosion. Using “green products” outside of the recommended conditions, including in combination with other products, may result in greater health and safety risks.

When evaluating non-chemical purchases, consideration should be given to other safety and health concerns, such as “Buy Quiet.”

- **Are personnel properly trained to handle the materials when they arrive?**

All field office employees interviewed felt they knew how to handle materials when they arrive. When equipment arrives, it was consensus that any atypical operational issues were discussed prior to use. As it pertains to chemicals, employees also felt they were well prepared. When asked, “Did you review the SDS before handling and storing the material?” most responded they were familiar with the product and had reviewed the SDS during a tailgate meeting. When asked “Are you responsible for handling and/or storing any materials that are “new” (e.g. a “greener” version of a product) to the facility?” Some responded that they were, but had not reviewed the SDS to ensure it was going to be stored properly before use.

In conclusion, the field employees determined they were adequately aware of risks associated with use of the individual chemical materials but, through discussion, recognized the importance of being aware of how to store the materials upon receipt and before use.

- **Are there adequate provisions for storage of the materials when they arrive?**

Most field employees felt there were adequate provisions for the storage of materials when they arrive, and that not as much product is being ordered necessitating storage. A few employees noted that onsite flammable cabinets may be full and that something flammable may be received that needs stored. Some had been made aware, during internal environmental audits by their Hazardous Material Coordinator, that not all of the material being stored in their flammable cabinets were flammable materials and that other materials were flammable and being stored in regular cabinets.

In conclusion, employee awareness of the proper storage and handling of chemicals needs to be addressed. Chemicals pose a wide range of health and safety hazards. OSHA's Hazard Communication standard (29 CFR 1910.1200) is designed to ensure that information and these hazards and associated protective measures are communicated to workers. Worker training must be provided if the chemicals are hazardous. While the training must be provided before the worker begins using the chemical, consideration should be given to the proper handling and storage of a hazardous chemical as it is received by the Reclamation facility.

- **Is the acquiring office aware of reporting responsibilities?**

Most field office employees responded that they knew that a chemical or oil spill needed to be reported to their supervisor and that the supervisor has some protocol to follow. Outside of chemical and oil spills, it is assumed that someone else takes care of any reporting responsibilities. The three most common responses to "Who would take care of those reporting responsibilities?" were "my supervisor", "I don't know," or "HazMat person."

In conclusion, reporting is a team effort and requires close coordination and timely communications. Field Offices and appurtenant locations that use and store hazardous materials should have an Emergency Action Plan (EAP) in place that addresses how to handle spills and releases of hazardous materials. EAPs should be reviewed when any of the following changes: facility modifications, which hazardous materials are stored on site and/or how they are stored, or persons listed in the chain of command/communications or their contact information.

- **Other concerns or comments (Recommendation in parenthesis):**

Training:

- Green Purchasing: Those field employees who were purchase card holders recalled having green purchasing training, but it had been awhile since they had had it. (Offer green training refresher training)
- Hazard Communications (HazCom): Most field office employees interviewed could not remember the last time they had HazCom training or if they had ever received HazCom training. (HazCom training should be an annual occurrence, with specific training on hazardous chemicals prior to their use)
- SDS: Some field employees were unaware of the format change from Material Safety Data Sheets (MSDS) to SDS sheets under the Globally Harmonized System (GHS). (One of the key compliance dates related to OSHA’s adoption of the GHS December 1, 2013. By this date employers had to conduct training on how to read the GHS formatted labels and SDSs. At a minimum, this should be covered in annual HazCom training. Each office should review when this training last occurred and schedule the training, if appropriate.)
- RSHS: Some employees have limited to no knowledge of the RSHS while others have received formal or informal training on the RSHS. (Consider expanding formal training opportunities on the RSHS. The current target audience for formal training appears to be at the collateral safety officer and supervisory levels)
- Job specific: There appears to be additional job specific training that employees feel would be beneficial (e.g., ARC flash,
- Purchasing:
  - Purchases of materials, in general, have been reduced to what is mission critical. There has been an effort to reduce the waste stream under Environmental Management System (EMS) which is encouraging not stockpiling chemicals (e.g., paints, oils, chemicals) for future use. Bulk purchases have been reduced through this process. (Room for improvement to reduce the variety of chemicals used by field offices; some offices have multiple brands of chemicals that serve the same purpose. For those field offices that have an existing stockpile of chemicals, those surpluses should be inventoried so a like chemical is not purchases and/or avail those supplies to other offices for their use.)
  - In general, no clear process exists when purchasing chemicals other than completing the green purchasing forms. Some offices, like Grand Coulee Power Office, have a more defined procedure in place. (Evaluate if implementing a standardized procedure would work across Reclamation
  - Several indicated a list of “what not to purchase” or “what to purchase” would be helpful. (A list of “what not to purchase” would be shorter and could easily be added to as needed.

Developing a “what to purchase” list would be difficult to maintain as chemicals are constantly being evaluated, modified, and made safer.)

- Job related
  - Development of a database throughout Reclamation that provides access to Job Hazard Analysis (JHAs) for all of the mission critical undertakings, so consistency can be developed amongst JHAs. However, it would still be important to consider site-specific conditions and constraints. (Development of a database across Reclamation should be evaluated and determined whether it is feasible at the Bureau or Regional level is appropriate).
  - Some field staff indicated the availability of training, in general, has suffered the last few years due to budget cuts and other constraints (e.g., proper training on equipment, both existing and new; new employee [due to turnover or lateral movement]). Training is under evaluation by safety Team 17.

### **Milestone #3 - Review if the current process is being followed**

The Team decided that the way to review the current process was to create three questionnaires that would be sent to: 1) Contractor Officers Representatives (CORs); 2) Contract Specialist, Contract Officers, and Purchase Card Holders (Buyers) and 3) Random sample of employees. The questions used in these questionnaires are in Appendix C.

- 1) CORs
  - a. Questionnaire was sent to 508 employees
  - b. Responses from 122
  - c. Overall 24% return rate
- 2) Buyers
  - a. Questionnaire was sent to 1311 employees
  - b. Responses from 240
  - c. Overall 18% return rate
- 3) Random sample of employees
  - a. It was decided not to pursue this questionnaire since the other two had already being sent to over 1800 employees.

The results of the questionnaire are discussed in Appendix D.

## **Milestone #4 - Review documents from other agencies and industry**

Federal agencies other than Bureau of Reclamation were contacted to ascertain purchasing processes. All phone interviewed purchasing or acquisitions personnel confirmed that Federal Acquisition Regulation (FAR) procedures were followed. When questioned about “green” or “alternative” purchasing, a Department of Interior agency reported back they used a Sustainability and Environmental Management System (SEMS) program similar to Reclamation’s existing program.

Purchasing agents within private corporations were also contacted for additional input. For those willing to field questions, the equivalent of the Reclamation Safety and Health Standards is used when considering purchases. In addition to safety and health standards, one company also attaches a Supplier Code of Conduct (SCC) to all contracts and stipulating the opportunity to request supporting documentation from any supplier or contractor at any time. A Google search revealed the SCCs are readily available to anyone wanting to conduct business with a major corporation.

Implementing a “do not purchase” chemical list was suggested. The “do not purchase” list is preferred, versus an approved to purchase list that could change as new products become available and additional testing is performed. Also of note worthy importance, one corporation has a team of individuals whose jobs are to monitor contract performance. The team works with both acquisitions and procurement but has a separated or direct reporting process to provide contract oversight.

Interviewed federal agencies reported following federal guidelines. Private corporations follow federal mandates with the addition of local policies and oversight. Referring to private industries offers the best opportunity for establishing additional internal controls within Reclamation.

## **Milestone #5 and Milestone #6 - Review gaps in internal and external processes; and Review for potential risks**

This milestone consisted of reviewing both questionnaires for similarities in those questions that were the same and those that were different. A list of the questions is located in Appendix C. Each question that was determined to have further review consisted of a discussion, review of gaps, potential risks and recommendations. Appendix D is a write-up of the reviews.

## **Milestone #7 - Discussion with other SOH Team 20 and 21**

A conference call took place 11/17/2014 with Team 20 and 21. Team 20 is looking at the safety through design and then making sure it is included in the contract. Team 21 is looking at the hierarchy of controls specifically looking at risk management, “Buy Quiet”, prevention through design, etc. Team 21 may look at the rules and regulation for acquisition. Team lead mentioned that on SharePoint Team tens Project Management Plan is available and under Milestone 2, WBR Clauses and WBR forms may contain some useful information.

Overall the Team’s objectives and milestones will not overlap so it was decided for all Teams to continue with their plans.

# Appendix B – Reclamation Acquisition Regulation

Reclamation Acquisition Regulation (RAR)  
PART WBR 1423  
HAZARDOUS MATERIAL IDENTIFICATION  
AND MATERIAL SAFETY DATA

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PART WBR 1423

ENVIRONMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE ENERGY  
TECHNOLOGIES, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE  
WBR 1423.000 Scope.

This part prescribes Reclamation acquisition policies and procedures for environment, energy, and water efficiency, renewable energy technologies, occupational safety, hazardous material identification and drug-free workplace. It complies with Executive Order (EO) 13423 “*Strengthening Federal Energy, Transportation, and Environmental Management*” and the Department of the Interior (DOI) Affirmative Procurement Program Green Purchasing Plan (GPP) requirements

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SUBPART WBR 1423.3 -- HAZARDOUS MATERIAL IDENTIFICATION AND MATERIAL  
SAFETY DATA

WBR 1423.300 Scope of subpart. This subpart prescribes Reclamation policies and procedures for the identification and use of hazardous material and safety and health requirements for Reclamation contracts.

## Acquisitions Safety Review Report – August 2015

WBR 1423.302 Policy.

WBR 1423.302-80 Reclamation safety policy. This section prescribes policies and procedures for --

(a) Acquisition of asbestos-free materials; and  
(b) construction safety requirements as contained in the Reclamation Safety and Health Standards manual.

WBR 1423.302-81 Use of asbestos-free material.

(a) Reclamation policy is to acquire and use asbestos-free material whenever such materials are available pursuant to the Commissioner's memorandums dated September 30, 1988, and August 27, 1992.

(b) This policy is implemented through the use of a Reclamation contract clause prescribed in WBR 1423.302-83(a) which --

- (1) States the asbestos-free material policy;
- (2) Provides for the CO to approve an exception to the policy when asbestos-free products are not available;
- (3) Requires documentation to support a request for an exception from a contractor that asbestos-free products are not available; and
- (4) Provides notice that CO disapproval of a request for an exception shall be final and not subject to the "Disputes" clause of the contract.

WBR 1423.302-82 Safety and health requirements.

(a) It is Reclamation policy that its contractors not require any laborer or mechanic to work under conditions that are unsanitary, hazardous, or dangerous to the employee's health or safety.

(b) This policy is implemented through the use of a contract clause prescribed in WBR 1423.302-83(b) which requires contractors to --

- (1) Comply with the Reclamation Safety and Health Standards manual including requirements contained therein for submission of safety data submittals and material safety data submittals;
- (2) Obtain copies of the Reclamation Safety and Health Standards manual from the Contracting Officer or the Contracting Officer's Representative.;
- (3) Submit a written proposed safety program for approval;
- (4) Upon notification, correct violations of the safety and health requirements; and
- (5) Maintain and submit certain accident reports to the CO.

WBR 1423.302-83 Contract clauses.

(a) The CO shall insert the clause at WBR 1452.223-80, Asbestos-Free Warranty -- Bureau of Reclamation, in applicable solicitations and contracts for supplies or services (including construction).

(b) The CO shall insert the clause at WBR 1452.223-81, Safety and Health -- Bureau of Reclamation, in all actions which are for construction and in all other solicitations and contracts which contain the clause at FAR 52.236-13, Accident Prevention.

(c) In accordance with FAR Part 23, Clause 52.223-3 Hazardous Material Identification and Material Safety Data, the contracting officer shall insert this clause with its alternate I when delivery of hazardous materials are contemplated. Hazardous materials are defined in FAR 23.301. Therefore, The CO shall insert the clause at WBR 1452.223-81, Safety and Health -- Bureau of Reclamation, in all actions when delivery of hazardous materials is contemplated.

WBR 1423.302-84 Acquisition of personal protective equipment.

(a) Policy. Personal protective equipment required under safety and health regulations, reference standards, and Reclamation safety and health policy shall be purchased by the Government and issued at no cost to employees, whenever needed to provide protection from hazards of activities, processes, or environments.

(1) Safety boots. Federal Supply Schedule (FFS), Group 84, Part II, Section B, Clothing and Furnishings: Special Purpose Clothing is a nonmandatory source of supply for acquisitions of safety boots under the procedures of FAR 8.404. Also, see Reclamation acquisition purchase card information at <http://intra.usbr.gov/mso/aamd/chargecard.html>

(2) Protective prescription eyewear. Reclamation's policy is to acquire eye and face protection in compliance with the Occupational Safety and Health Administration, Federal Employee Occupational Safety and Health Program.

SUBPART WBR 1423.4 -- USE OF RECOVERED MATERIALS

WBR 1423.400 Scope of subpart. This subpart provides policies and procedures necessary to implement Department of the Interior Acquisition Policy Release (DIAPR) 2008-07, *Green Purchasing Plan*, dated June 20, 2008, and establishes Reclamation's Affirmative Procurement Program to implement Executive Order (EO) 13423 "*Strengthening Federal Energy, Transportation, and Environmental Management*, which requires the Federal Government to protect the nation's natural resources through green procurement by "*incorporating key environmental factors with traditional price and performance considerations in purchasing decisions.*"

WBR 1423.401 Authorities. Reclamation's Affirmative Procurement Program is established pursuant to Section 6002 of the Resource Conservation and Recovery Act (RCRA) of 1976, as amended; Environmental Protection Agency (EPA) Procurement Guidelines for Government Agencies for Recovered Materials and Products (40 CFR 247-250, 252 and 253); Executive Order 13423.

WBR 1423.403 Policy. Reclamation's Affirmative Procurement Program, in support of the DIAPR GPP in acquiring materials and products is to ensure --

(a) Adherence to EO 13423, and applicable Federal Acquisition Regulation (FAR) regulations, including but not limited to:

11.3 – Acceptable Material

12.301(e) (3) – Discretionary Use of FAR Provisions and Clause

13.2 – Actions at or Below the Micro-Purchase Threshold; General

23.4 – Use of Recovered Materials and Biobased Products

23.7 – Contracting for Environmentally Preferable Products and Services

36 – Construction and Architect-Engineer Contracts

- Ensure selection criteria specified in FAR 36.602-1 have been considered
- Ensure the project manager also includes GPP in the Statement of Work as prescribed by FAR 36.601-3

52 – Solicitation provisions and contract clauses as prescribed in FAR Part 23, as appropriate, including:

52.223-4 Recovered Materials Certification

52.223-9 Certification and Estimate of Percentage of Recovered Material Content for EPA Designated Items; and

52.223-10 Waste Reduction Program

- (b) Specifications do not exclude the use of recovered materials;
- (c) Specifications do not require items to be manufactured from virgin materials;
- (d) EPA designated items with recovered materials are acquired to the greatest extent practicable;
- (e) Items which will result in a decrease in the generation of waste are acquired to the greatest extent practicable; and
- (f) Cost-effective purchases and use of environmentally-sound and energy efficient products and services are utilized;
- (g) The requestor provides the Contracting Office with a signed and dated Green Procurement Contract Attachment Form (WBR 1453.303-1423-2) if no GPP items are being acquired;
- (h) The requestor provides the Contracting Office with a completed, signed and dated Recovered Materials Determination Form (WBR 1453.303-1423-3) if recycled-content CPG items on the EPA list are to be purchased.
- (i) Federal supply sources such as GSA, Government Printing Office, and Defense Logistics Agency are utilized to the extent possible. These sources have established their own estimation, certification, and verification procedures; therefore; agencies buying through these sources are not required to conduct independent estimation, certification, and verification procedures.

WBR 1423.404 Agency Affirmative Procurement Program. All purchases of EPA or USDA-designated items must contain recovered material or biobased content, respectively, unless an exemption applies as listed under FAR 23.404(b).

(a) Recovered/Recycled Content.

(1) EPA-designated items. In accordance with FAR 23.405(a) and EPA Procurement Guidelines for Government Agencies, Reclamation has established a preference for purchase of EPA-

designated items. Once a product is designated, Reclamation is required to purchase a designated product with the highest recovered material content level practicable. Contracting officers should refer to EPA's list of EPA-designated products and the accompanying recycled-content recommendations available at <http://www.epa.gov/cpg/products.htm/>.

(2) USDA-designated items. In accordance with FAR 23.405(a), Contracting offices should refer to USDA's list of USDA-designated items available at and to the below-listed Agency Procurement Program items when purchasing supplies that contain biobased material or when purchasing services that could include supplies that contain bio-based material.

(i) Paper and paper products (40 CFR Part 250);

(ii) Lubricating oils (40 CFR Part 252);

(iii) Retread tires (40 CFR Part 253);

(iv) Insulation products (40 CFR 248); and

(v) Other guideline items as they are established.

(3) Exemption of the preference requirements in subparagraph (a)(1)(i) above shall be made in accordance with FAR 23.404(b) and FAR 23.405(b). The initiator of a requisition citing an exemption shall submit the form required at WBR 1453.303-1423-1, Determination to Waive the Requirements of Using Recovered Materials.

(4) The CO shall promptly provide a copy of each approved exemption issued under (a)(1)(ii) above to the Head of the Contracting Activity (HCA).

(b) Environmentally Preferable. Initiators of purchase requests are responsible for compliance with the preferences as stated in accordance with EO 13423. Contracting officers are responsible for assisting initiators of purchase requests and for reviewing the acquisition to verify preference compliance has been followed. A preference shall be given to the acquisition and use of environmentally sound and energy efficient products and services, to the extent that it is economically feasible, through the purchase of the following items:

(1) Energy efficient light bulbs available through the Defense Logistics Agency and the General Services Administration (GSA) supply systems;

(2) Environmentally safe and energy conserving products available through GSA Federal Supply Service schedules;

(3) Recharged toner cartridges for copiers and laser printers;

(4) Disposable products and packaging materials that do not contain harmful chlorofluorocarbons;

(5) Bio-degradable and other packaging and wrapping materials;

(6) Energy Policy Act (EPACT), Public Law 102-486, passed by Congress on October 24, 1992 addresses all aspects of energy supply and demand including fleet vehicles that operate on alternative fuels, particularly compressed natural gas;

(7) Ethanol or methyl tertiary butyl ether blended gasoline in conventionally fueled motor vehicles that burns cleaner than regular unleaded gasoline to reduce petroleum consumption and air pollution;

(8) Solid waste management services which provide for the collection of recyclable materials for recycling purposes;

(9) Preference for purchase of Electronic Product Environmental Assessment Tool (EPEAT) registered products (*see <http://www.epeat.net/>*);

(10) Requirement for purchase of energy efficient products according the FEMP and Energy Star® program criteria; and

(11) Other items which will result in a decrease in the generation of waste by reasons of reusability, durability or reduction in weight or volume.

(12) Biobased Products are made from a renewable resource and, with some exceptions; they generally do not contain synthetics, toxins or environmentally damaging substances. The FAR implements biobased purchasing requirements as outlined in Section 9002 of the Farm Security and Rural Investment Act of 2002, also known as the "Farm Bill". Additional information can be found at <http://www.ofee.gov/>.

(13) Non-Ozone depleting substances (ODS) is found at FAR 23.8 and establishes policies and procedures for the acquisition of items which contain, use, or are manufactured with ozone-depleting substances. The Significant New Alternatives Policy (SNAP) Program covers refrigeration and air conditioning; foam insulation; cleaning solvents; fire suppressants; aerosol solvents and propellants; sterilants; and adhesives, coatings and inks. SNAP is EPA's program to

evaluate and regulate substitutes for the ozone-depleting chemicals that are being phased out under the stratospheric ozone protection provisions of the Clean Air Act (CAA)(See <http://www.epa.gov/ozone/snap/>).

(14) Priority Chemicals have been listed in priority order by the EPA. Reclamation must be compliant with DIAPR GPP Section 2.4.6.

(C) Requestor Responsibilities

(1) Initiators submitting requisitions with do not contain items within the specifications covered by the EPA Procurement Guidelines for Government Agencies under WBR 1423.404(a), are responsible for ensuring that the specifications eliminate --

(i) Any exclusion of recovered material;

(ii) Any requirement that items be manufactured from virgin materials;

(ii) Any other practices that discriminate against use of recovered materials; and

(iv) Any disincentives either to source or to waste reduction.

(D) Promotion Program. Promotion of the preference program in paragraph (a) above shall be accomplished by the BPC and Construction Management, 86-68170, through --

(1) Revisions of applicable Reclamation contract specifications for materials and products which includes an emphasis on regularly finding the most green products available in the marketplace and the associated salient characteristics; and using those as a reference;

(2) Revisions of applicable contract specifications which do not contain the EPA Procurement Guidelines for Government agencies to comply with the requirements in subparagraph (a)(3) above; and

(3) Use of the EPA Affirmative Procurement Guidelines for Government agencies by initiators of requisitions, project personnel and management, and operating service contractors.

(E) Verification and Certification Program. The CO shall ensure compliance with the requirements of FAR 23.406 and the receipt of the certification required by the provisions at FAR 52.223-4, Recovered Materials Certification.

(F) Operational Controls. Operational controls are procedures and specifications to ensure the bureau/office purchases designated and mission-appropriate green products and services. The objective is to ensure that product users and the procurement /contracting personnel who support them include environmental impacts along with price, performance and availability in the criteria on which purchasing decisions are made.

(G) Training, Monitoring and Evaluation Program.

(1) Reclamation complies with annual report required by the Office of the Federal Environmental Executive and the Office of Management and Budget, as submitted to Department of the Interior, Office of Acquisition and Property Management, entitled, "*Sustainable Practices: Green Purchasing, Waste Management, and Chemicals Management*," (<https://www.nbc.gov/spreport/>) which is currently being used to evaluate GPP implementation progress. In addition to these reporting requirements, compliance reviews are part of the Acquisition and Assistance Management Reviews (AAMR), conducted by the Acquisition and Assistance Management Division (AAMD, Denver, CO).

(2) Corrective and preventative action will be addressed by the Bureau Procurement Chief, upon finding of a deficiency or weakness within an AAMR.

(3) The Chief of the Contracting Office (CCO) shall track and retain complete records for purposes of compliance with Part WBR 1423 to include, but not limited to, the following: Training records for acquisition personnel, government purchase cardholders, project managers, and other employees on Green Procurement and verification of progress toward fulfilling DOI metrics (see <http://ofee.gov/gp/training.asp> for available training offerings). Purchases of Green products required for the annual report submitted to Department of the Interior, Office of Acquisition and Property Management, entitled, "*Sustainable Practices: Green Purchasing, Waste Management, and Chemicals Management*."

Contractor provided estimates and certifications of recycled content products to document the specific products that were used in a contract and to satisfy the programmatic requirements required by the annual report submitted to Department of the Interior, Office of Acquisition and Property Management, entitled, "*Sustainable Practices: Green Purchasing, Waste Management, and Chemicals Management*."

Adherence to GPP policies, plans, operational procedures, and AAMR corrective action taken on findings.

(H) The HCA is responsible for --

(i) Monitoring and evaluating Reclamation's Affirmative Procurement Program; and  
(ii) Collecting and submitting information required by Department of the Interior, Office of Acquisition and Property Management, for the annual report, "*Sustainable Practices: Green Purchasing, Waste Management, and Chemicals Management.*"

(I) Resolving Conflicts between Purchasing Programs. If an office purchases a product that is included on both the EPA CPG list and the USDA biobased items list, there is a choice to be made. Buyers are not legally required to choose recycled content products first. Purchasers should evaluate product characteristics, price, and performance and select the product that best meets the government's requirement.

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SUBPART WBR 1423.6 -- NOTICE OF RADIOACTIVE MATERIAL

WBR 1423.601 Requirements. In accordance with FAR 23.601 (d), the CO shall specify in the clause at FAR 52.223-7, Notice of Radioactive Materials, a period of 45-calendar days as the time in advance of delivery that the contractor will provide notification.

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SUBPART WBR 1423.80 -- PROTECTING FEDERAL EMPLOYEES  
AND THE PUBLIC FROM EXPOSURE TO TOBACCO SMOKE  
IN THE FEDERAL WORKPLACE

WBR 1423.800 Scope of Subpart.

This subpart implements Executive Order 13058, dated August 9, 1997, which established a smoke-free environment for Federal employees and members of the public visiting or using Federal facilities. As a result of this Executive Order, the smoking of tobacco products is prohibited in all interior space owned, rented, or leased by the executive branch of the Federal Government, and in any outdoor areas under executive branch control in front of air intake ducts. In addition, pursuant to Federal Management Regulation (FMR) Bulletin 2009-B1, effective December 22, 2008, smoking is prohibited in courtyards and within 25 feet of doorways and air intake ducts on outdoor space under the jurisdiction, custody or control of GSA.

WBR 1423.801 Contract clause.

The CO shall insert the clause at WBR 1452.223-82, Protecting Federal Employees and the Public from Exposure to Tobacco Smoke in the Federal Workplace, in all solicitations, contracts, and purchase orders which may require work at a Federal installation, including attendance at meetings associated therewith.

PART WBR 1452

SOLICITATION PROVISIONS AND CONTRACT CLAUSES

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WBR 1452.223-80 Asbestos-Free Warranty.

WBR 1452.223-81 Safety and Health.

WBR 1452.223-82 Protecting Federal Employees and the Public from Exposure to Tobacco Smoke in the Federal Workplace

WBR 1452.223-80 Asbestos-Free Warranty.

As prescribed in WBR 1423.302-83(a), insert the following clause in solicitations, contracts, and purchase orders:

ASBESTOS-FREE WARRANTY -- BUREAU OF RECLAMATION (OCT 1992)

(a) The Contractor warrants that all items delivered, or work required by the contract, shall be free of asbestos in any form whatsoever except for the use of asbestos cement pipe.

(b) The Contractor may request the Contracting Officer to approve an exception to this prohibition when an asbestos-free product is not available. Such requests shall be fully documented and submitted as soon as possible after the contractor determines that an asbestos-free product is not available. Contracting Officer disapproval of a request for an exception shall be final and not subject to the Disputes clause of this contract.

(End of clause)

WBR 1452.223-81 Safety and Health.

As prescribed in WBR 1423.302-83(b), insert the following clause:

SAFETY AND HEALTH -- BUREAU OF RECLAMATION (May 2005)

(a) The Contractor shall not require any person employed in the performance of this contract (including subcontracts) to work under conditions which are unsanitary, hazardous, or dangerous to the employee's health or safety.

(b) In addition to the requirements of the Accident Prevention clause (FAR 52.236-13) of this contract, the Contractor shall comply with the Bureau of Reclamation "Reclamation Safety and Health Standards" (RSHS) (Revised 2009) manual. Some contracts may not contain the Accident Prevention clause, e.g., those formed under simplified acquisition procedures. Even if the Accident Prevention clause is not part of this contract, the Contractor must still comply with the Reclamation RSHS manual.

(c) The Contractor may obtain the safety and health standards as referenced in 52.236-13 (b)(2) of the Accident Prevention from the Occupational Safety and Health Administration, U.S. Department of Labor.

(1) The RSHS manual as referenced in subparagraph (b) above is available from the contracting officer or authorized contracting officer's representative.

(d) The Contractor shall submit a written proposed safety program in the form and time intervals prescribed in section 3 of the RSHS manual and amendments or revisions thereto in effect on the date of the solicitation.

(e) In addition to FAR Clause 52.223-3, Alt.1, in the contract, the Contractor shall comply with all safety and material data submittal requirements contained in the RSHS manual and revisions thereto in effect on the date of the award.

(f) The Contractor shall maintain an accurate record of, and shall report to the Contracting Officer (or authorized representative) in the manner prescribed by the Contracting Officer, all cases of death, occupational diseases, or traumatic injury to employees or the public involved, and property damage in excess of \$2,500 occurring during performance of work under this contract.

(g) The rights and remedies of the Government provided in this clause are in addition to any other rights and remedies provided by law or under this contract.

(h) In the event there is a conflict between the requirements contained in any of the safety documents referenced herein, the more stringent requirement shall prevail.

(End of clause)

WBR 1452.223-82 Protecting Federal Employees and the Public from Exposure to Tobacco Smoke in the Federal Workplace

As prescribed in WBR 1423.801, insert the following clause:

**PROTECTING FEDERAL EMPLOYEES AND THE PUBLIC  
FROM EXPOSURE TO TOBACCO SMOKE IN THE FEDERAL WORKPLACE --  
BUREAU OF RECLAMATION (OCT 1998)**

(a) In performing work under this contract, the contractor shall comply with the requirements of Executive Order 13058, dated August 9, 1997, which prohibits the smoking of tobacco products in all interior space owned, rented, or leased by the executive branch of the Federal Government, and in any outdoor areas under executive branch control in front of air intake ducts.

(b) In addition, pursuant to Federal Management Regulation (FMR) Bulletin 2009-B1, effective December 22, 2008, smoking is prohibited in courtyards and within 25 feet of doorways and air intake ducts on outdoor space under the jurisdiction, custody or control of GSA.

(End of clause)

Reclamation Acquisition Regulation (RAR)  
PART WBR 1453  
FORMS

(WBR 1453.303-1423-1) (WBR 1423.404(a)(1)(ii))

DETERMINATION TO WAIVE THE REQUIREMENTS  
FOR USING RECOVERED MATERIALS

The attached statement of work\specification requires a waiver pursuant to WBR 1423.404(a)(1)(ii) for the following reason(s):

This waiver is based on the following exceptions as permitted under FAR 23.404(b):

The statement of work\specification contains products\items that cannot be acquired competitively within a reasonable time frame.

The statement of work\specification contains products\items that cannot be acquired meeting reasonable performance standards; or

The statement of work\specification contains products\items that cannot be acquired at a reasonable price.

Explanation (an attachment may be used)

This waiver is requested by:

\_\_\_\_\_ Dated:  
Requisitioner

Approved by:

\_\_\_\_\_ Dated:  
Contracting Officer

WBR 1453.303-1423-2 (WBR 1423.403(g))

GREEN PROCUREMENT CONTRACT ATTACHMENT

Project No. \_\_\_\_\_  
and/or  
Project Title \_\_\_\_\_

None of the products that I am specifying for procurement are listed on a mandatory environmental purchasing list, including:

- U.S. EPA Comprehensive Procurement Guidelines published at [www.epa.gov/cpg/products.htm](http://www.epa.gov/cpg/products.htm).
- USDA Biobased product listings published at [www.biobased.oce.usda.gov/public/categories.cfm](http://www.biobased.oce.usda.gov/public/categories.cfm).
- Energy Star® product listings published at [www.energystar.gov/products](http://www.energystar.gov/products).
- FEMP Low Standby Power product listings published at <http://oahu.lbl.gov/>

Therefore, I am not required to include the bureau/office Recovered Material Determination Form with this procurement package.

In addition, I have sought to reduce the environmental damages associated with this procurement by considering the specification of environmentally preferable products and services to the extent feasible, consistent with price, performance, availability, and safety considerations. I have considered products with recycled or biobased content as well as other environmentally preferable attributes, such as:

- Reduced packaging
- Durability and repair ability
- Reduced toxicity
- Conservation of natural resources
- Water conservation
- Low Volatile Organic Compound (VOC) Content
- Asbestos alternative

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title/Role: \_\_\_\_\_

WBR 1453.303-1423-3 (WBR 1423.403(h))

RECOVERD MATERIALS DETERMINATION FORM

*Instructions*

This form is to be completed by the procurement originator when EPA-designated items included in the Green Procurement Program for Recovered Materials are being procured. For questions on whether the product counts as "EPA-designated" or what the required recycled content is, refer to product descriptions on EPA's website at [www.epa.gov/cpg/products](http://www.epa.gov/cpg/products), The completed form becomes part of the official contract file.

Procurement Request / Project No. \_\_\_\_\_

The EPA-designated items being procured are:

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Building insulation                               | <input type="checkbox"/> Binders<br>(paper, solid plastic or<br>plastic covered) | <input type="checkbox"/> Playground surfaces   |
| <input type="checkbox"/> Polyester carpet                                  | <input type="checkbox"/> Park and recreational furniture                         |  |
| Cement & concrete containing:  |  |  |
| <input type="checkbox"/> Coal fly ash                                      | <input type="checkbox"/> Plastic presentation folders                            | <input type="checkbox"/> Running tracks  |
| <input type="checkbox"/> Ground granulated<br>blast furnace slag           | <input type="checkbox"/> Plastic file folders                                    | <input type="checkbox"/> Playground equipment  |
| <input type="checkbox"/> Cenospheres                                       | <input type="checkbox"/> Plastic clip portfolios                                 | <input type="checkbox"/> Traffic barricades  |
| <input type="checkbox"/> Silica fume                                       | <input type="checkbox"/> Plastic clipboards                                      | <input type="checkbox"/> Traffic cones   |
| <input type="checkbox"/> Flowable fill                                     | <input type="checkbox"/> Office furniture  | <input type="checkbox"/> Parking stops   |
| <input type="checkbox"/> Latex paint                                       | <input type="checkbox"/> Office recycling containers                             | <input type="checkbox"/> Plastic fencing (snow or<br>erosion control, safety barriers) |
| <input type="checkbox"/> Floor tiles                                       | <input type="checkbox"/> Office waste receptacles                                | <input type="checkbox"/> Channelizers  |
| <input type="checkbox"/> Laminated paperboard                              | <input type="checkbox"/> Plastic desktop accessories                             | <input type="checkbox"/> Delineators   |
| <input type="checkbox"/> Patio blocks                                      | <input type="checkbox"/> Plastic envelopes                                       | <input type="checkbox"/> Flexible delineators  |
| <input type="checkbox"/> Shower & restroom<br>dividers/partitions          | <input type="checkbox"/> Plastic trash bags                                      | <input type="checkbox"/> Rebuilt vehicular parts                                       |
| <input type="checkbox"/> Structural fiberboard                             | <input type="checkbox"/> Printer ribbons   | <input type="checkbox"/> Engine coolants   |
| <input type="checkbox"/> Railroad grade crossing<br>surfaces               | <input type="checkbox"/> Toner cartridges  | <input type="checkbox"/> Re-refined lubricating oils                                   |
| <input type="checkbox"/> Garden and soaker hoses                           | <input type="checkbox"/> Newsprint   | <input type="checkbox"/> Retread tires   |
| <input type="checkbox"/> Lawn and garden edging                            | <input type="checkbox"/> Commercial/industrial<br>sanitary tissue products       | <input type="checkbox"/> Sorbents  |
| <input type="checkbox"/> Printing and writing papers                       | <input type="checkbox"/> Paperboard and packaging                                | <input type="checkbox"/> Awards and plaques  |
| <input type="checkbox"/> Landscaping timbers and<br>posts (plastic lumber) | <input type="checkbox"/> Tray liners   | <input type="checkbox"/> Mats  |
| <input type="checkbox"/> Hydraulic mulch                                   | <input type="checkbox"/> Industrial drums  | <input type="checkbox"/> Signage   |
| <input type="checkbox"/> Strapping   | <input type="checkbox"/> Bike racks  | <input type="checkbox"/> Pallets   |
| <input type="checkbox"/> Compost from yard<br>trimmings or food waste      | <input type="checkbox"/> Roofing materials                                       | <input type="checkbox"/> Blasting grit   |
| <input type="checkbox"/> Modular threshold ramps                           |  |  |
| <input type="checkbox"/> Nonpressure pipe                                  |  |  |

Recovered Materials Procurement Determination

\_\_\_ EPA recycled-content requirements have been met for this procurement action; or

\_\_\_ The following EPA designated guideline item is included in the specifications for project number \_\_\_\_\_; however, compliance with EPA standards is not attainable.

Item: \_\_\_\_\_

I have determined that the EPA guidelines were considered and determined inapplicable, based on the following:

\_\_\_ Item is not available within a reasonable period of time.

Need date: \_\_\_\_\_ Date available: \_\_\_\_\_

\_\_\_ Item fails to meet a performance standard in the specifications.

Describe the standard and why it is needed: \_\_\_\_\_

\_\_\_\_\_

Describe how the guideline item fails to meet the standard: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_ Item is not available from 2 or more sources.

Market research was performed by calling \_\_\_ (insert number) vendors, but only \_\_\_\_\_ (enter name) was able to supply the item.

\_\_\_ Item was only available at an unreasonable price (i.e., recycled item is more expensive).

Price of recycled item: \_\_\_\_\_

Price of non-recycled item: \_\_\_\_\_

This determination is made in accordance with FAR 23.405(b).

\_\_\_\_\_  
Technical Representative- Signature and Office Code

\_\_\_\_\_  
Date

\_\_\_\_\_  
Concurrence - Contracting Officer

\_\_\_\_\_  
Date

## Appendix C - Questions from the Two Questionnaires

### Key

Yellow is for questions that are similar and grouped together for the review

Orange is for questions that were specific to one or the other questionnaire and were review separately

Green is for questions that provide a background of person taking the questionnaire and don't need review and analysis. May use the answers to these questions as part of the overall write-up

Red is for questions that Team was asked to put in but have no relevance to the Team and need no further review

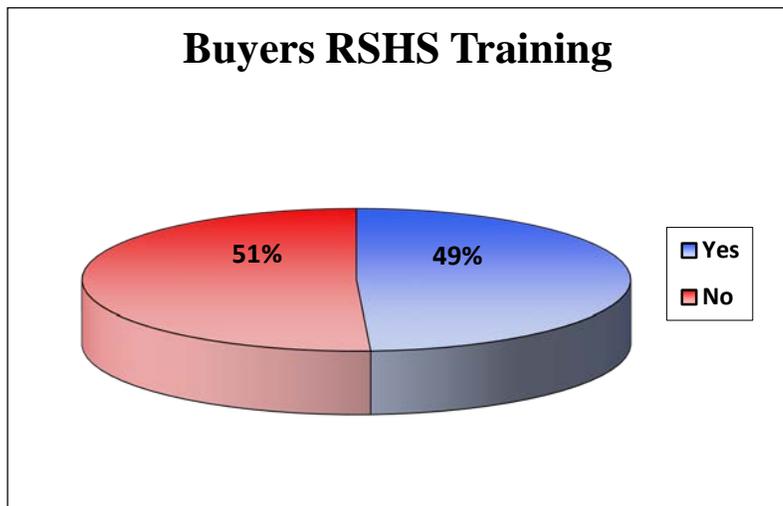
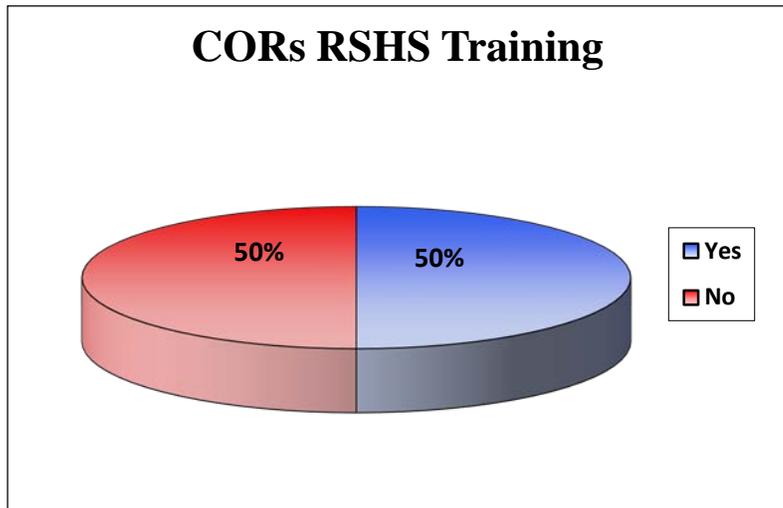
Question	COR #	Buyers #
What is the highest level of COR Training you have taken? <ul style="list-style-type: none"> <li>• Fact I</li> <li>• Fact II</li> <li>• Fact III</li> </ul>	1	
How much time do spend as a COR vs your full-time position	2	
Have you ever had Reclamation safety and Health Standards (RSHS) Yellow Book training?	3	7
Do you have a process when acquiring materials for evaluated material that possess a safety and occupational health risk	4	
Write a brief description of your process	5	
Does your office have procedure in place for purchases that may pose a safety or occupational health risk	6	8 Slight variation
Write a brief description of your office	7	9 slight variation
Are there Laws, Policies, Regulations, etc. for the purchase of materials that pose a safety or occupational health risk <ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> </ul>	8	10 slight variation
Name a few	9	
Where would you go to find them	10	
As a COR, is there any additional training you would like <ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> </ul>	11	

Question	COR #	Buyers #
Suggested Training	12	15 slight variation
Can the Team contact you for any follow-up questions	13	16
If yes, please provided you name and contact information	14	17
Additional comments	15	18
Are you a purchase card holder		1
What is the single purchase limit on your purchase card <ul style="list-style-type: none"> <li>• \$500</li> <li>• \$1,000</li> <li>• \$3,000</li> <li>• N/A</li> </ul>		2
If your limit on your purchase card exceeds the Micropurchase thresholds provide those limits here <ul style="list-style-type: none"> <li>• \$10,000</li> <li>• \$15,000</li> <li>• \$25,000</li> <li>• \$100,000</li> <li>• \$500,000</li> <li>• N/A</li> </ul>		3
Are you a contract specialist <ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> </ul>		4
If you answered yes to being a contract specialist, what are your COA thresholds for Established Source <ul style="list-style-type: none"> <li>• \$25,000</li> <li>• \$500,000</li> <li>• \$10,000,000</li> <li>• Greater than \$10,000,000</li> <li>• N/A</li> </ul>		5
If you answered yes to being a contract specialist, what are your COA thresholds for open market <ul style="list-style-type: none"> <li>• \$10,000</li> <li>• \$25,000</li> <li>• \$100,000</li> <li>• \$150,000</li> <li>• \$10,000,000</li> <li>• Greater than \$10,000,000</li> <li>• N/A</li> </ul>		6
Do you rely on your customer to ensure that your contracts/purchases meet all necessary technical requirements <ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> <li>• N/A</li> </ul>		11

Question	COR #	Buyers #
<p>Are you familiar with Reclamation acquisition policy to obtain a waiver to using recovered items when the requires supply item is on the EPA or USDA list but a determination has been made not to buy the designated item, a form to indicate which EPA designated items are being purchased, or a form to indicate that your product is not listed on any mandatory environmental purchasing list one</p> <ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> <li>• N/A</li> </ul>		12
<p>Are you receiving one the three necessary “Green Forms” them at the time the purchase request is submitted</p> <ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> <li>• N/A</li> </ul>		13
<p>Are you familiar with the instructions and reference documents available on the Preliminary PR SharePoint Site</p> <ul style="list-style-type: none"> <li>• Yes</li> <li>• No</li> <li>• N/A</li> </ul>		

## Appendix D – Analysis of Questionnaires

**Question 3/7:** Have you ever had Reclamation safety and Health Standards (RSHS) or Yellow Book training?



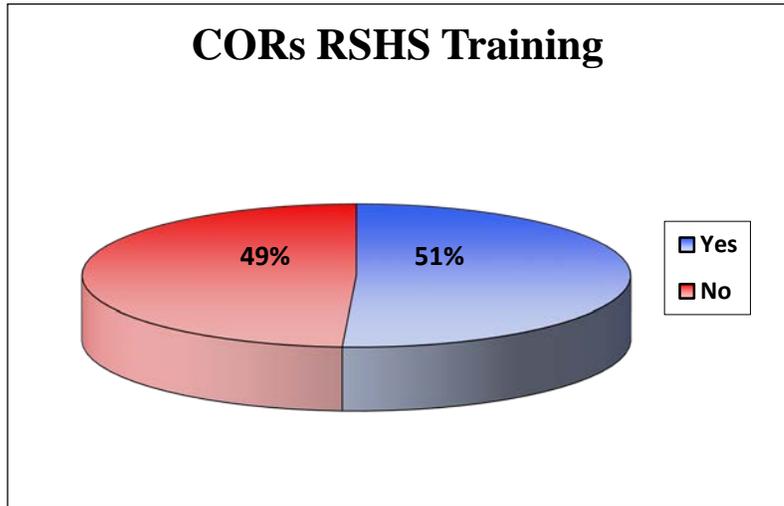
**Discussion:** The Team was slightly surprised that this question was practically answered the same for both groups. While it is not reasonable to expect these groups to know all safety regulations and rules it was realized that there needs to be some type of safety training provided

**Gap:** Safety Training is not getting to all employees

**Potential Risks:** Possibility of acquiring materials that poses a safety or occupational health risk

**Recommendation:** Create and provide an overview training of RSHS to employees who may acquire materials

**Question 4/ CORs only:** Do you have a process when acquiring materials for evaluating material that possess a safety and occupational health risk?



**Discussion:** Approximately 51% of the CORs surveyed indicated that they do have a process when acquiring SOH materials, while the remaining 49% of CORs are unaware of a process to acquire SOH materials.

**Gap:** No Bureau-wide processes exist.

**Potential Risks:** Possibility of acquiring materials that poses a safety or occupational health risk

**Recommendation:** Create and implement a bureau-wide process that includes a review for safety and occupational health risks.

**Question 5/ CORs only:** Write a brief description of your process?

**Discussion:** The majority of the answers included

- Reviewing, obtaining, evaluating Material Safety Data Sheets via Safety and Health office or subject matter experts, and the
- SEMS process via part of Hazard Communication and/or the Environmental Group.

An additional concern for this question was also discussed. Do people know how to read or interpret a MSDS? MSDSs are not clear cut and they do not provide detailed information especially for mixtures or ventilation. The potential exposure depends on how the employee is using the product, the environment the product is being used in, the duration of the task, etc.

MSDSs may be satisfactory on the acquisition and purchasing side to ensure or to flag a chemical with a high health hazard or a high fire hazard or an environmentally hazardous product. Currently MSDSs use a health and fire rating 1-4 with 4 being the worst. As of June 2015, MSDSs are being replaced with Safety Data Sheets.

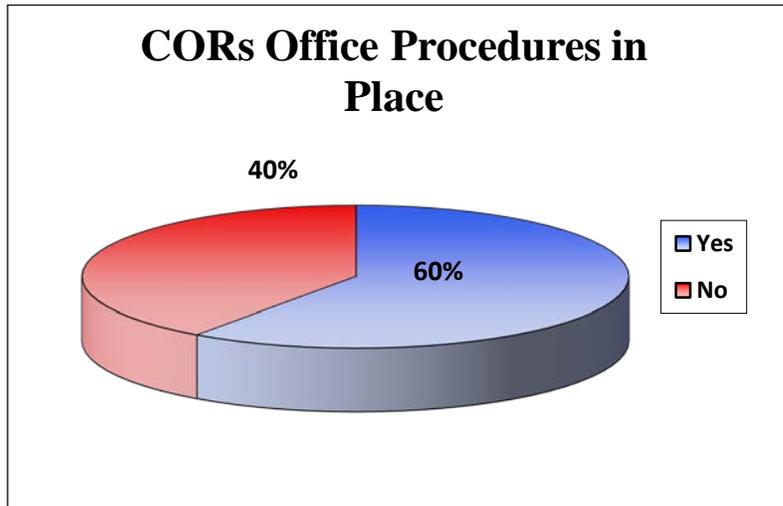
**Gap:** No Bureau-wide processes exist.

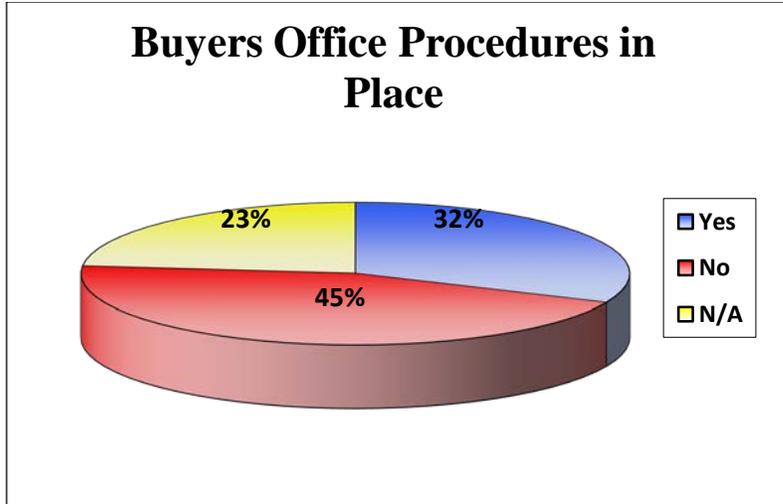
**Potential Risks:** Possibility of acquiring materials that poses a safety or occupational health risk

**Recommendation:**

- Flag products or chemicals with high health (including carcinogenic or potentially carcinogenic) and fire ratings and environment hazard (water emphasis, etc.) > See if there are substitutions for less hazardous product or chemical.
- Flag purchases if noise level is over 85dBA. See if quieter machinery or equipment or tools, etc. and if feasible.
- Implement and follow the “Buy Quiet” D&S (Appendix F).

**Question 6/8:** Does your office have a procedure in place for purchases that may pose a safety or occupational health risk?





**Discussion:** Approximately 60% of CORs and 45% of buyers surveyed indicated their office has a procedure in place. It is apparent that there are no clear processes in place for purchasing SOH materials

**Gap:** No Bureau-wide processes exist.

**Potential Risks:** Possibility of acquiring materials that poses a safety or occupational health risk

**Recommendation:** Create and implement a bureau-wide process that includes a review for safety and occupational health risks.

**Question 7/9:** Write a brief description of your office procedures?

**Discussion:** There are some offices that have process but not all. The main answers included:

- SEMS checklist and/or contact the Hazard Materials Group.
- Job Hazard Analysis (JHA) and/or contact the safety office/manager for assistance.
- Gather, obtain, and file MSDSs
- Review monthly statements for purchase cards to review for these type of purchases.

**Gap:** No standard Bureau wide Process prior to purchasing supplies and services.

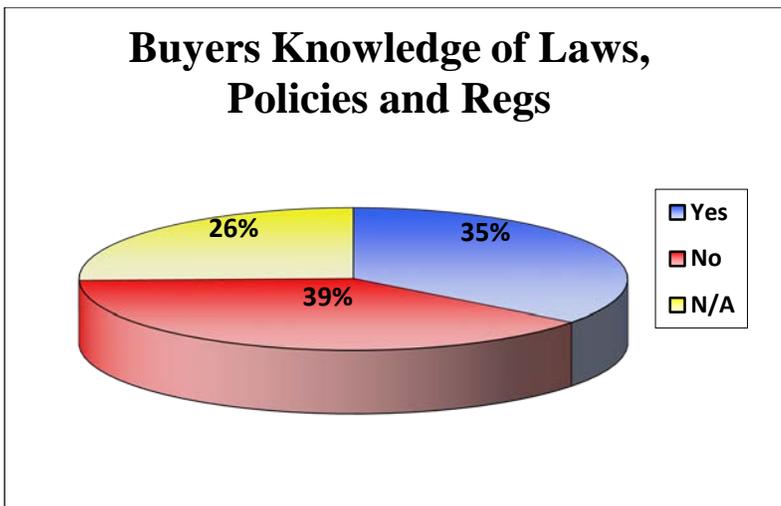
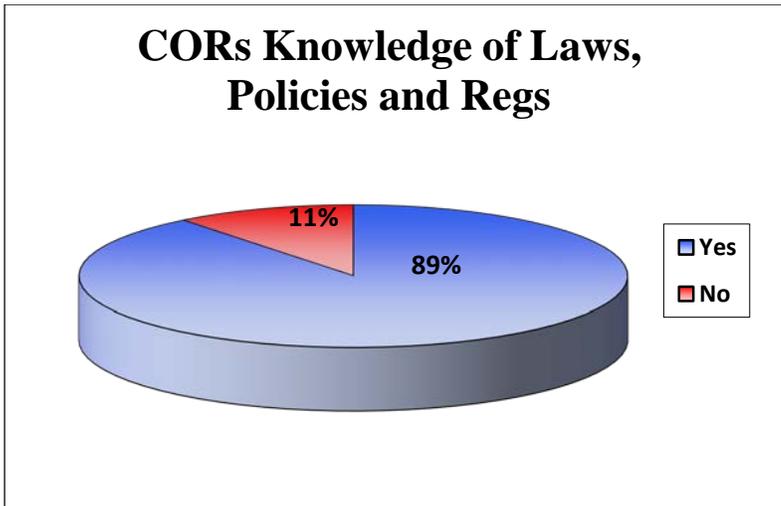
**Potential Risks:** Possibility of acquiring materials that poses a safety or occupational health risk

**Recommendation:** Create and implement bureau-wide processes that could include:

- Implement electronic chemical hazardous inventory across Reclamation which includes approvals for purchases and can be customized
- The Hazard Materials Group and the Safety & Health Group should coordinate and see if there are possible areas to combine or improve

- Flag products or chemicals with high health (including carcinogenic or potentially carcinogenic) and fire ratings and environment hazard (water emphasis, etc.) > See if there are substitutions for less hazardous product or chemical.
- Flag purchases if noise level is over 85dBA. See if quieter machinery or equipment or tools, etc. and if feasible.
- Implement and follow the “Buy Quiet” D&S (Appendix F).

**Question 8/10:** Are there Laws, Policies, Regulations, etc. for the purchase of materials that pose a safety or occupational health risk?



**Discussion:** 89% of the CORs stated that they had knowledge of laws, policies, and regulations pertaining to purchasing materials that may pose a safety or occupational health risk. Despite a very high percentage of CORs having

knowledge of requirements, Buyers who had knowledge of requirements plummeted to 35%.

When both the CORs and the Buyers were asked to name a few of the laws, policies, and regulations governing the purchase of materials that pose a safety or occupational health risk, the results ran the gamut of irrelevant to relevant answers. 4 responses listed the FAR; 23 responses reflected OSHA (either as “OSHA”, 29 CFR 1910, or as 29 CFR 1926);

When asked “Where you would find laws, policies, and regulations pertaining to purchasing materials that may pose a safety or occupational health risk?”, the results also ran the gamut of irrelevant to relevant answers. The most common response, generalized, was that they would ask someone else (e.g., Regional Occupational Health and Safety Officer/Specialist, Acquisitions Manager, HazMat Group).

In addition, chemicals that have been evaluated and found to be a suspect or confirmed carcinogen in the following sources must be reported as such:

- National Toxicology Program (NTP), *Annual Report on Carcinogens*,
- International Agency for Research on Cancer (IARC), *Monographs*, and
- Regulated by OSHA as a carcinogen.

**Gap:**

- Comparing the percentage of collective Buyers (35%) who stated they had knowledge of laws, policies, and regulations pertaining to purchasing materials that may pose a safety or occupational health risk to the variety of responses to naming a few, there is a large discrepancy between those responding that they have knowledge versus what they demonstrated they knew and/or where they would find information.
- Green Purchasing forms and processes are not enough to fully reduce exposure to chemical, safety, or fire hazards. Green purchasing covers the use of environmentally sustainable products or services, and purchase of products that contain a substance listed on EPA’s Priority Chemicals list.

**Potential Risks:**

- Buyers may be unintentionally buying materials and supplies that may pose an undue safety, occupational, or health risk.

- Buyers may be relying on their customer doing their due diligence in researching the item to ensure it is not posing an undue safety, occupational, or health risk.
- The customer may be uninformed that the materials they are requesting pose an undue safety, occupational, or health risk.
- Buyers and customers may be purchasing the same materials because they always have. They may not be aware of other alternatives that would lower the safety, occupational, or health risk.

**Recommendation:**

- To develop a series of awareness training courses and materials that integrates knowledge from Reclamation’s Occupational Health and Safety Personnel, Hazardous Materials Coordinators, and Industrial Hygienists to educate Buyers and customers on what to look for when making purchases and where to get additional information. For chemical purchases, create a policy and standardize a “chemical request form” that is routed through several departments for approval. For an example of policy and form used at the Grand Coulee Power Office see appendix E.
- EPA’s Priority Chemicals list is not the only list that should be consulted. Chemicals that are listed in one of the following sources are to be considered hazardous in all cases:
  - *29 CFR 1910, Subpart Z, Toxic and Hazardous Substances*, Occupational Safety and Health Administration (OSHA), and
  - *Threshold Limit Values for Chemical Substances and Physical Agents in the Work Environment*, American Conference of Governmental Industrial Hygienists (ACGIH).

**Question 9/ CORs only:** Name a few (Laws, Polices, Regulations, etc.)

**Discussion:** Many laws, policies, and regulations were listed; however, the RSHS general practices section for Personal Protective Equipment was listed the most and MSDSs were listed next highest.

**Note:** The RSHS lists general requirements for PPE such as a hard hat or glasses/goggles, etc. The RSHS does not go into detail regarding laws, policies, regulations though the RSHS follows OSHA and may at times be more stringent. Depending on the purchase, the RSHS may/may not be useful or provide all of the information that may/may not be needed.

**Gap:** May be some lack of knowledge of the laws, polices, regulations, etc.

**Potential Risks:** Possibility of acquiring materials that poses a safety or occupational health risk

**Recommendation:** An overview of laws, policies and regulations related to Safety and Occupational Health training should be created and provided.

**Question 10/ CORs only:** Where would you go to find them? (Laws, Polices, Regulations, etc.)

**Discussion:** The answers on this question covered a lot of resources but mainly included the internet, Laws, Policies, Manuals, Guidance documents, SharePoint, Checking with Subject Mater Experts.

**Gap:** May be some lack of knowledge of the laws, polices, regulations, etc.

**Potential Risks:** Possibility of acquiring materials that poses a safety or occupational health risk

**Recommendation:** An overview of laws, policies and regulations related to Safety and Occupational Health training should be created and provided.

**Question 11/ CORs only:** As a COR is there any additional training you would like

- Yes
- No



**Discussion:** Approximately 30% of CORs reported the need for additional training.

It is important to point out that where a COR has been assigned to the contract it is the CORs responsibility to ensure the deliverables are compliant with the contract. Contracting Officer's Representatives must be trained in accordance with Department of the Interior's Federal Acquisition Certification Contracting Officer's Representative Program Requirements found at <http://intra.usbr.gov/mso/aamd/acquisition-fac-cotr.html>. The Contracting Officer

shall use the guidelines for designating a COR for their contract. There are three levels of certification, therefore, the contracting officer must assign a COR with the appropriate level certification with consideration of the level of risk involved with the contract.

**Gap:** CORs appear to not have enough Safety Training

**Potential Risks:** Employees not receiving proper training to make informative purchases at the purchase card holder level

**Recommendation:** Provide additional Safety Training

#### **Question 12/15:** Suggested Training

**Discussion:** Both the CORs and Buyers want additional training and provided plenty of suggestions. Some training that was listed includes:

- Safety and health such as JHA development, MSDSs, RSHS, construction safety, etc.
- Environmental such as ordering green, pollution control, etc.
- COTR such as basic overview, policy, duties of a COR

**Gap:** Not all suggested training relevant to acquisition safety

**Potential Risks:** Employees not receiving proper training to make informative purchases at the purchase card holder level

**Recommendation:** Conduct instructor led MSDS, RSHS, and OSHA training on an annual basis. Conduct refresher courses to update with new policies or regulations.

#### **Question 15/18:** Additional Comments

Here is a sampling of additional comments:

##### **CORs**

- I believe, from a COR standpoint, that Reclamation has a strong safety policy and good standards of practice. Weakness is not in the policies or procedures; rather, weakness is in how well those policies and procedures are implemented. The challenge is in keeping routines fresh and procedures effective to avoid complacency and to make it more of a true thought process than just filling in blanks on yet another form or having yet another meeting.
- Based on many negative as well as positive experiences with SOPs and checklists, I am simultaneously a proponent of providing helpful checklists and simple, brief SOPs, but an opponent of extensive, rigid, exhaustive checklists. Materials and equipment that pose SOH risks vary widely, and I do not believe it is practicable to develop a single SOP that addresses all the possible considerations - rather a broad general, categorical guiding practice, supplemented by example or template checklists of actions to take for different material and equipment

categories, and a firm requirement to write at least a brief SOH evaluation and action plan for anything long-term, high-impact/risk, or environmentally hazardous in disposal, should be considered. As a living document - because each lesson learned should be fed back into updates. Also strongly recommend a common reference site available to all that includes regulatory library, checklists, unusual and unique SOH action plans for complex or high-hazard projects or requirements, and other considerations. And - training for COs and CORs on how to use (without abusing) these.

- Not sure if we have actual procedures for acquiring items that pose a health and/or safety risk, but assume that review with the Safety Officer pre-purchase should cover all.
- Our Safety issues primarily involve issues dealing with conduction field work in desert environment. I feel that we do a good job in trying to maintain safety with our program. However the general safety program within reclamation is mostly focused on industrial and occupational safety and the safety needs of field work seems to be over looked at an institutional level. Often the right questions are not as in the case the questionnaire, when dealing with the type of work we do and the contract we work with.

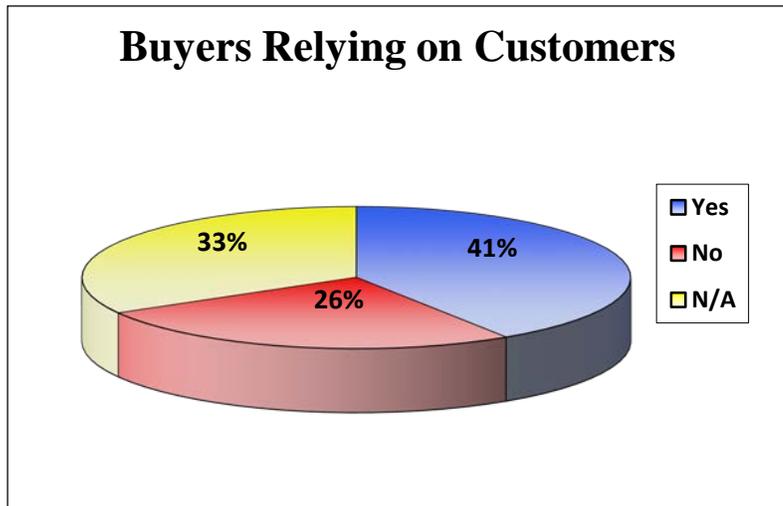
### **Buyers**

- Not sure how RSHS is related to basic purchasing of items. Maybe there should be training on how to purchase items first then go on to the more technical things.
- I answered no to the yellow book training, but we have safety training on site every month, not sure if that is considered to be "yellow book" training or not.
- I am aware of the forms used to purchase certain types of safety equipment, aware there are forms for safety in confined spaces, safety boot specifications. If in doubt, I ask our Occupational Safety and Health person.
- I am aware of several of the procedures in the questionnaire (although no formal training). I have micro purchase ability for my work group to bring in necessary supplies for field work that can include chemical reagents. We always review the need for these purchases, consider any alternatives, and align our purchases with safety policies.
- I think cardholders should get more than just the computer training they receive when they get their card. We really need periodic meeting type training to get any new or problem area items, and talk these over, as well as any problems people are having. It would have been beneficial to me, even though I have at least 20 years purchasing experience to have maybe quarterly meetings just to make sure we are doing everything correctly. I had no idea this issue existed, and that we were to look at our requests for special criteria.
- Look forward to participating in training related to this subject.

- The questions asking about the COA levels for Established Sources and Open Market were not flexible. My Established Sources COA limit is \$2.5M, while my Open Market COA is \$5.0M. In addition, there is another type of COA: For Interagency Agreements. This might be a question to be added to your survey.
- I only purchase office supplies for our office. Most of this really does not apply to the nature of purchases that I make. Thanks!
- did not understand half the questions
- Some of the questions should be edited; as written, they are unclear.
- This was not a well set up questionnaire. Especially for those who are only purchase card holders.
- I am not sure a majority of the questions applied to my case. I only make purchases under \$3k for safety for my group.

**Question /11 Buyers only:** Do you rely on your customers to ensure that your contracts/purchases meet all necessary technical requirements

- Yes
- No
- N/A



**Discussion:** The survey results regarding this item showed approximately 26% of the employees who have purchasing responsibility are not depending on their customer to ensure all necessary technical requirements are being met. It appears there's no clear guidance on how customers and the purchasers should collaborate to ensure safety and occupational health of government and contractor employees are protected.

**Gap:** There is a communication gap between designers and contract specialist.

**Potential Risks:** Miscommunication may cause projects not being built to designer specifications and could lack safety features

**Recommendation:** None. Teams #20 and #21 are working on this as part of their review.

# Appendix E – Example of chemical purchase policy

## United States Department of the Interior

BUREAU OF RECLAMATION Grand Coulee  
Power Office  
P.O. Box 620 Grand Coulee, Washington 99133-0620

IN REPLY REFER TO:

GCPO-1000 APR 22 2010 SAF-100

### GRAND COULEE POWER OFFICE POLICY MEMORANDUM NO. 9 (Revised)

To: All GCPO Employees

From: David G. Murillo  
Power Manager

Subject: Chemical Purchase Policy

A process safety review of the GCPO Hazard Communication Program identified a need to strengthen the program in an effort to fully utilize the GCPO warehouse inventory, reduce worker chemical exposure, minimize hazardous waste, and achieve regulatory compliance through knowledge of all chemical hazards. Achieving these goals requires that all chemicals used on project must be procured through the GCPO warehouse inventory. If not in the inventory (stock or Direct D), then use the formal purchase request process (see below). Requesters may not purchase chemicals using government credit cards or Blanket Purchase Agreements (BP A) with local establishments.

This applies, but is not limited to:

Industrial Gases  
Weld Wire and Rod  
Soaps, Detergents, and Cleansers  
Parts Washer Solvents

This policy *does not apply* to:

Motor oil, transmission fluid, windshield washing fluid or other fluids purchased for a government vehicle at the time of fueling.

To obtain chemicals not already in the GCPO warehouse inventory (stock or Direct D):

- Complete a Chemical Request Form (attached)
- Print the form
- Obtain Supervisor's approval
- Forward to Safety Office, code 1600

**Chemical Request Form**

Request to add a new chemical into GCPO inventory

1. Complete all applicable fields in this form
2. Print form
3. Obtain Supervisor approval & signature
4. Attach Material Safety Data Sheet
5. Attach product information sheet
6. Follow routing procedure at the bottom of this form

**REQUESTOR**

Name	Location (IA, LPH, RPH, TPP, PGP)	TEL#
email	Date	Date needed

**PRODUCT INFORMATION**

Is there a similar product in the warehouse inventory (stock or Direct D) (yes / no)	
If yes, what is the stock number of similar product	Will new product replace currently stocked product (yes / no)
Justification for replacing currently stocked item	
Name of new chemical or material (give all commonly used names)	
Secondary chemicals or materials (e.g., flux, paint hardeners, thinners, lubricant additives, catalysts)	
Purpose/type of chemical (e.g., fuel, lubricant, cutting oil, adhesive, degreaser, welding gas)	
Quantity requested & container type (e.g., 55 gallon liquid, box of 30 welding rods, 3 oz./85 gm. of powder)	
Proposed use	
Estimated annual usage (quantity)	
<b>PLEASE PROVIDE COPY OF MSDS AND PRODUCT SPECIFICATION SHEET FOR EACH REQUESTED CHEMICAL TO AID IN SETTING UP PRODUCT IN SYSTEM</b>	

**MANUFACTURER INFORMATION**

Manufacturer	Phone #	MSDS web link (Mfg's web address for MSDS)
Product #	Web site	Product information web link

**APPROVAL**

Supervisor Approval: (signature)
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**ROUTING (for internal use only)**

Dept./code	Action	Initials	Date
Safety/1600	MSDS approved Y/N MSDS number		
Environmental/5400	1. Does waste profile exist Y/N 2. Route to requesting area Superintendent for acceptance		
Area Superintendent	1. Negative effect on the MG excitors Y/N 2. Product works as used Y/N		
Warehouse/7825	1. Check in CARMA for "like kind". If "like kind" product exists, route "like kind" product to Area Superintendent for acceptance. <b>NOTE:</b> If "like kind" product is not accepted, then route to Property for remove from GCPO stock system, GCPO project, and MSDS tracking system. 2. If "like kind" product is not found, route to Property for assigning warehouse stock or Direct D number		
Property/7821	1. Enter in CARMA, assign stock # 2. Order-on purchase, Stock, or Direct-D 3. Notify Requester of PR # folder 4. Notify Safety to activate MSDS, add to ACL, and activate Dolphin MSDS number		

Revision 10/22/2013

# Appendix F – Buy Quiet Policy

SAF 02-03

## Reclamation Manual Directives and Standards

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<b>Subject:</b>	Safety and Occupational Health – Buy Quiet and Buy Quiet By Design
<b>Purpose:</b>	To establish Safety and Occupational Health Program (Program) requirements for establishing minimum processes for Buy Quiet and Buy Quiet By Design (BQBD) and standardize Reclamation’s BQBD process. The benefit of this Directive and Standard (D&S) is to protect the health of our employees and organizational components and prevent hearing loss. Consistent and shared BQBD will facilitate more effective use of Reclamation’s safety and health resources.
<b>Authority:</b>	Occupational Safety and Health Act of 1970 (Pub. L. 91-596; 29 U.S.C. 651 et. seq.) as amended; Occupational Safety and Health Standards (29 CFR 1910.95); Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters (29 CFR 1960); 29 CFR 1904.10 ; Executive Order 12196; OMB Circular A-123; Department Manual (DM), Part 485, and Safety and Occupational Health Program, 485 DM 1
<b>Approving Official:</b>	Director, Security, Safety, and Law Enforcement
<b>Contact:</b>	Safety and Occupational Health Office, 84-43000

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### 1. Introduction.

- A. The safety of Reclamation employees and the visiting public is critical to achieving Reclamation’s mission. To achieve success of the mission, a Reclamation-wide Buy Quiet and Buy Quiet By Design (BQBD) is needed.
- B. This D&S establishes minimum requirements for Reclamation –wide BQBD Policy and for ensuring safety and occupational health hazards are appropriately addressed. This D&S outlines Reclamation’s requirements for prevention of noise-induced hearing loss where employees are potentially exposed to unacceptable noise levels in all occupational settings which include work areas, tools, and equipment.
- C. The Occupational Safety and Health Administration (OSHA) standards emphasize lowering or eliminating noise exposures by requiring employers to implement feasible engineering controls such as purchasing quiet, new, modified, or rebuilt equipment; considering noise control as part of a preventative maintenance program.

2. **Applicability.** This D&S applies to all Reclamation employees, supervisors, and managers.

### 3. Definitions.

- A. **Acceptable Noise.** Sound levels from areas, tools, equipment that may be continuous, intermittent, or impulsive where the 8-hour time-weighted average (TWA) and

adjusted novel work shift TWA personal exposures are below 85 decibels A-weighted (dBA) with or without hearing protection.<sup>1</sup>

- B. **Buy Quiet.** A process attempting to reduce noise emissions, measured at the operator position or equivalent, to below 80 dBA TWA in the early phases of design (known as Prevention through Design) and/or when repairing, replacing, modifying, and/or acquiring new equipment (i.e. new or rewind on a generator, backhoe, etc.), machinery (i.e. HVAC fans, computer cooling systems, pumps, machine shop/maintenance shop machinery, etc.), tools (i.e. power drills, jackhammers, etc.)<sup>2</sup>
  - C. **Designated Agency Safety and Health Official or DASHO.** A designated official with sufficient authority and responsibility to represent effectively the interest and support of the agency head in the management and administration of the agency health Program.
  - D. **Engineering Controls.** Any modification or replacement of equipment, machinery, tools, etc. or related physical change at the noise source or along the transmission path (with the exception of hearing protectors) that reduces the noise level.
  - E. **Noise Exposure.** The average sound intensity on the A-weighted scale of measurement in an unprotected individual in the work place and it includes continuous, intermittent, impact, or impulse noise.
  - F. **Reclamation’s Safety and Health Staff or Safety and Health Staff.** Industrial hygienists, safety managers, safety supervisors, safety specialists, and safety technicians.<sup>3</sup>
4. **Responsibilities.** The responsibilities will be read and followed in accordance with all Reclamation Manual requirements addressing noise, hearing loss, acquisition, or design.
- A. **DASHO.** The DASHO is responsible for:
    - (1) Providing the Secretary of the Department of the Interior with an annual report addressing any noise control options as feasible, infeasible, or indeterminate for targeted equipment, tools, or machinery and control actions. The report will be included in Reclamation’s input to the Department’s annual report to OSHA.
    - (2) Providing personnel, administrative, and financial resources to the Program based on the noise control process, as needed and if feasible, to ensure acceptable noise.
  - B. **Senior Executives.** Senior executives are responsible for:
    - (1) providing financial resources to the Program to implement control strategies and to implement Buy-Quiet, if feasible, to reduce noise levels and noise exposure that may lead to employee hearing loss; and
    - (2) providing support for Reclamation’s Buy Quiet in their region.

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<sup>1</sup> Reclamation uses a 3-dB exchange rate.

<sup>2</sup> The term includes reducing noise exposure due to objectionable noise (i.e., high vibration sources).

<sup>3</sup> The term also includes Collateral Duty Safety Representatives as listed in “other duties” and assigned by their supervisor.

- C. **Reclamation Safety and Occupational Health Program Manager.** The Reclamation Program Manager is responsible for:
- (1) providing Reclamation Buy Quiet oversight and technical support to assist regional safety managers or the industrial hygienists with the Buy Quiet process; and
  - (2) providing the senior executives with an annual summary report of Reclamation Buy-Quiet and Noise Control Process, as appropriate.
- D. **Regional Safety Managers.** *Regional safety managers are responsible for:*
- (1) providing oversight and actively supporting the region to comply with the Buy Quiet requirements;
  - (2) providing guidance and assistance to regional/area office employees and area office safety staff and if needed, acquisitions, to comply with Buy Quiet requirements;
  - (3) approving purchases of equipment, machinery, tools, etc., over 80 dBA; and
  - (4) ensuring a local standard operation procedure or process (SOP) is developed and established for notifying the regional safety manager of equipment purchases meeting or not meeting the requirements in this D&S and the decision making process.
- E. **Area Office Managers.** Area office managers are responsible for:
- (1) providing support and ensuring that the Buy Quiet Policy is considered and implemented, if feasible, through Acquisitions and employees; and
  - (2) ensure to include noise emissions with technical and performance criteria when purchasing or designing new or refurbishing equipment that is “expected to produce noise which is approaching hearing conservation levels of 80 dBA and higher.”
- F. **Area Office Safety and Health Managers/Specialists.** The area office safety and health managers/specialists are responsible for:
- (1) following this D&S and working with Acquisitions;
  - (2) coordinating with field locations and supporting Buy Quiet; and
  - (3) having a written Buy Quiet which, at a minimum, addresses and applies the requirements and provisions of this D&S
- G. **Industrial Hygienists.** Industrial hygienists are responsible for providing technical assistance and for assisting the region/areas with the Buy Quiet.
- H. **Supervisors.** Supervisors are responsible for:
- (1) Implementing a Buy Quiet program.

- (2) Ensuring that Buy Quiet provisions are integrated into the site selection and design of new or modified facilities and equipment and are feasible.<sup>4</sup>
- (3) Ensuring that Buy Quiet provisions are included in all contracts and in the purchase of new or refurbished equipment, as appropriate and feasible.

I. **Requestors/End Users.** All requestor's/end users are responsible for:

- (1) keeping records of the Buy Quiet review; and
- (2) following Buy Quiet Road Map (BQRM).<sup>5</sup>

J. **Employees.** All Reclamation employees including those identified in Paragraphs 4.A – I., are responsible for:

- (1) following or adhering to the Buy Quiet D&S; and
- (2) making suggestions on Buy Quiet items.

5. **Requirements.**

- A. The requirements specified in this D&S will be included in the purchase request package.
- B. Communication and coordination between and among managers, supervisors, employees, engineers, environmental, and the safety and health staff will be implemented to properly identify and evaluate, when purchasing and/or upgrading unacceptable noise.
- C. The BQRM tool will be used:
  - (1) by all Reclamation requestor's/end users responsible for developing technical requirements for procurement of the design, repair, replacement, modification, and or new purchase of equipment, machinery, products, or tools with a noise emission measured at the operator position at or above 80 dBA; and
  - (2) prior to use of a Government Charge Card or prior to submitting a purchase request to any Reclamation acquisition office.
- D. Approvals will:
  - (1) be by the regional safety manager or at the regional safety manager's discretion through a written SOP;
  - (2) be obtained for any procurement of the design, repair, replacement, modification, and or new purchase of equipment, machinery, products, or tools with a noise emission measured at the operator position at or above 80 dBA;
  - (3) obtained prior to use of a Government Purchase Card or prior to submitting a purchase request to any Reclamation acquisition office;
  - (4) use the attached Buy Quiet template <http://buyquietroadmap.com/buy-quiet-purchasing/buy-quiet-process-roadmap/> to approve any purchase of the design,

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<sup>4</sup> Noise exposure due to high vibration sources will be considered.

<sup>5</sup> The BQRM was developed by NASA.

repair, replacement, modification, and or new purchase of equipment, machinery, products, or tools with a noise emission measured at the operator position at or above 80 dBA; and

- (5) not be for any procurement of the design, repair, replacement, modification, and or new purchase of equipment, machinery, products, or tools, with a noise emission, measured at the operator position at or above 80 dBA unless the regional safety manager or higher, or at that management level's discretion, determines in writing that a low-noise alternative is not available, efficient, cost-effective, or safe.

E. **Records and Reporting.** Accurate Buy Quiet records will:

- (1) be maintained by the requestor's/end users.
- (2) include, but are not limited to:
  - (a) the research and inquiries (electronic or hardcopy) such as phone logs and emails and documentation such as quotes from several vendors or manufacturers;
  - (b) retain records (hard copy) documenting the decision process and conclusions for purchases that meet and exceed the 80 dBA threshold for a minimum of 10 years or retain records (electronically) indefinitely.
  - (c) a noise assessment by the safety and health staff will be performed pre and post buy quiet installation/implementation of the area, equipment, tools, etc.

## Appendix G – References

- Interior 2013 U.S. Department of the Interior, December 2013. Safety and Occupational Health (SOH) Program Evaluation, Department of Interior, Bureau of Reclamation.
- Reclamation 2014a Bureau of Reclamation, 2014. Rapid Improvement Work Team Summary of Discussion and Recommendations, Denver, Colorado, January 7-8, 2014.
- Reclamation 2014b Bureau of Reclamation May 2014. Safety and Occupational Health Action Plan.