

Hither & Thither

104th Area Support Group Safety Office, Volume 10, July 2003

Update Issue

Several items have been added to or changed in this issue that were not included when first published as Volume 1 in October 2002. All additions/changes are indicated in **blue** and a link is provided after each section to aid further inquiry.

Safety is **the** critical aspect of our jobs. Only with the active role of management can we hope to have any semblance of success in preventing accidents. Please take a moment to become familiar with the requirements of leaders in support of safety – do your part.

More Safety and the Supervisor

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There are a number of laws and regulations that govern a supervisor's conduct relative to the safety and welfare of his or her employees and workplace. These include: Title 29, Code of Federal Regulations (CFR) 1910 and 1960; Executive Order (EO) 12196; Department of Defense Instruction (DoDI) 6055.1; Army Regulation (AR) 385-10, 8101, and Title 5, United States Code (USC) among others.

This is update of a previous issue of **Hither & Thither** that attempts to offer an overview of the supervisor's responsibilities and to show the varied laws and regulations involved. By providing an extract of pertinent documents, it is hoped that the supervisor will be able to better understand his or her

essential duties in providing a safe and healthful workplace for all employees.



The Occupational Safety and Health Act of 1970, Section 19

Federal Agency Safety Programs and Responsibilities

(a) It shall be the responsibility of the head of each Federal agency (not including the United States Postal Service) to establish and maintain an effective and comprehensive occupational safety and health program which is consistent with the standards promulgated under section 8. The head of each agency shall (after careful consultation with representatives of the employees thereof) --

- (1) provide safe and healthful places and conditions of employment, consistent with the standards set under section 6;
- (2) acquire, maintain, and require the use of safety equipment, personal protective equipment, and devices reasonably necessary to protect employees;
- (3) keep adequate records of all occupational accidents and illnesses for proper evaluation and necessary corrective action;
- (4) consult with the Secretary with regard to the adequacy as to form and content of records kept pursuant to subsection (a)(3) of this section; and
- (5) make an annual report to the Secretary with respect to

occupational accidents and injuries and the agency's program under this section. Such report shall include any report submitted under section 7902(e)(2) of title 5, United States Code.

(b) The Secretary shall report to the President a summary or digest of reports submitted to him under subsection (a)(5) of this section, together with his evaluations of and recommendations derived from such reports.

(c) Section 7902(c)(1) of title 5, United States Code, is amended by inserting after "agencies: the following: "and of labor organizations representing employees."

(d) The Secretary shall have access to records and reports kept and filed by Federal agencies pursuant to subsections (a)(3) and (5) of this section unless those records and reports are specifically required by Executive order to be kept secret in the interest of national defense or foreign policy, in which case the Secretary shall have access to such information as will not jeopardize national defense or foreign policy.

http://www.osha-slc.gov/pls/oshaweb/owadisp.show_document?p_table=OSHACT&p_id=2889&p_text_version=FALSE

29 CFR 1910, Occupational Safety and Health Standards for General Industry

This law, also known as the Williams-Steiger Occupational Safety and Health Act (OSH Act) of 1970, provides the framework for the safety and health of employees. It involves and envelopes a number of other regulations, provisions, laws, and agencies in its implementation and is not the sole

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source for worker-related safety issues.

In order to include the consideration of hazards not covered in specific standards, OSHA has turned to the provisions of Section 5 of the OSH Act or the "General Duty Clause" which states:

(a) Each employer:

- (1) shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or likely to cause death or serious physical harm to his employees;
- (2) shall comply with occupational safety and health standards promulgated under this Act.

The OSH Act requires, in part, that every employer covered under the OSH Act furnish to his or her employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm. The OSH Act also requires that employers comply with occupational safety and health standards promulgated under the OSH Act, and that employees comply with standards, rules, regulations and orders issued under the OSH Act which are applicable to their own actions and conduct. The OSH Act authorizes the Department of Labor (DoL) to conduct inspections, and to issue citations and proposed penalties for alleged violations. The OSH Act, under section 20(b), also authorizes the Secretary of Health, Education, and Welfare to conduct inspections and to question employers and employees in connection with research and other related activities. The OSH Act contains provisions for adjudication of violations, periods prescribed for the abatement of violations, and proposed penalties by the

Occupational Safety and Health Review Commission, if contested by an employer or by an employee or authorized representative of employees, and for judicial review.

<http://www.epa.gov/region5/defs/html/osha.htm>

29 CFR 1910.38, Emergency Action Plans

(e) An employer must designate and train employees to assist in a safe and orderly evacuation of other employees.

Note: This is a recent change to 29 CFR 1910.38.

http://www.osha-slc.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9726

29 CFR 1910.120, Hazardous Waste Operations and Emergency Response

(e)(1)(i) All employees working on site (such as but not limited to equipment operators, general laborers and others) exposed to hazardous substances, health hazards, or safety hazards and their supervisors and management responsible for the site shall receive training meeting the requirements of this paragraph before they are permitted to engage in hazardous waste operations that could expose them to hazardous substances, safety, or health hazards, and they shall receive review training as specified in this paragraph.

(e)(1)(ii) Employees shall not be permitted to participate in or supervise field activities until they have been trained to a level required of their job function and responsibility.

<http://www.healthsafetyinfo.com/articles/29cfr1910-120.htm>

29 CFR 1960, Basic Program Elements for Federal Employees

This section of the OSH Act contains special provisions to assure safe and healthful working conditions for Federal employees (including the military). Specific duties are outlined throughout including the following parts:

29 CFR 1960.7, Financial Management

(a) The head of each agency shall ensure that the agency budget submission includes appropriate financial and other resources to effectively implement and administer the agency's occupational safety and health program.

(b) The Designated Agency Safety and Health Official, management officials in charge of each establishment, safety and health officials at all appropriate levels, and other management officials shall be responsible for planning, requesting resources, implementing, and evaluating the occupational safety and health program budget in accordance with the regulations of the Office of Management and Budget Circular A-11 (sections 13.2(f) and 13.5(f)) and other relevant documents.

(c) Appropriate resources for an agency's occupational safety and health program shall include, but not be limited to:

(1) Sufficient personnel to implement and administer the program at all levels, including necessary administrative costs such as training, travel, and personal protective equipment;

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- (2) Abatement of unsafe or unhealthful working conditions related to agency operations or facilities;
- (3) Safety and health sampling, testing, and diagnostic and analytical tools and equipment, including laboratory analyses;
- (4) Any necessary contracts to identify, analyze, or evaluate unsafe or unhealthful working conditions and operations;
- (5) Program promotional costs such as publications, posters, or films;
- (6) Technical information, documents, books, standards, codes, periodicals, and publications; and
- (7) Medical surveillance programs for employees.

29 CFR 1960.9, Supervisory Responsibilities

Employees who exercise supervisory functions shall, to the extent of their authority, furnish employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm. They shall comply with the occupational safety and health standards applicable to their agency and with all rules, regulations and orders issued by the head of the agency with respect to the agency occupational and health program.

29 CFR 1960.11, Evaluation of Occupational Safety and Health Performance

Each agency head shall ensure that any performance evaluation of any management official in charge of an establishment, any supervisory employee. Or other appropriate management official, measures the employee's performance in meeting requirements of the agency

occupational safety and health program, consistent with the employee's assigned responsibilities and authority, and taking into consideration any applicable regulations of the Office of personnel Management or other appropriate authority. The recognition of superior performance in discharging safety and health responsibilities by an individual or group should be encouraged and noted.

29 CFR 1960.25, Qualifications of Safety and Health Inspectors and Agency Inspectors

(a) Executive Order 12196 requires that each agency utilize as inspectors "personnel with equipment and competence to recognize hazards." Inspections shall be conducted by inspectors qualified to recognize and evaluate hazards of the working environment and to suggest general abatement procedures. Safety and health specialists as defined in 1960.2(s), with experience and/or up-to-date training in occupational safety and health hazard recognition and evaluation are considered as meeting the qualifications of safety and health inspectors. For those working environments where there are less complex hazards, such safety and health specializations as cited above may not be required, but inspectors in such environments shall have sufficient documented training and/or experience in the safety and health hazards of the workplace involved to recognize and evaluate those particular hazards and to suggest general abatement procedures. All inspection personnel must be provided the equipment necessary to conduct a thorough inspection of the workplace involved.

29 CFR 1960.34, Safety and Health Services

(e) Safety and health services. GSA will operate and maintain for use agencies the following services:

(1) Listings in the "Federal Supply Schedule" of safety and health services and equipment which are approved for use by agencies when needed. Examples of such services are: workplace inspections, training, industrial hygiene surveys, asbestos bulk sampling, and mobile health testing; examples of such equipment are: personal protective equipment and apparel, safety devices, and environmental monitoring equipment...

29 CFR 1960.39, Agency Responsibilities

(b) Agencies shall provide all committee members appropriate training as required by subpart H of this part.

29 CFR 1960.54, Training of Top Management Officials

Each agency shall provide top management officials with orientation and other learning experiences which enable them to manage the occupational safety and health programs of their agencies. Such orientation should include coverage of section 19 of the Act, Executive Order 12196, the requirements of this part, and the agency safety and health program.

29 CFR 1960.55, Training of Supervisors

(a) Each agency shall provide appropriate safety and health training which includes supervisory responsibility for providing and maintaining safe and healthful working conditions for employees,

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the agency occupational safety and health program, section 19 of the Act, Executive Order 12196, this part, occupational safety and health standards applicable to the assigned workplaces, agency procedures for reporting hazards, agency procedures for reporting and investigating allegations of reprisal, and agency procedures for the abatement of hazards, as well as other appropriate rules and regulations.

(b) This supervisory training should include introductory and specialized courses and materials which will enable supervisors to recognize and eliminate, or reduce, occupational safety and health hazards in their working units. Such training shall also include the development of requisite skills in managing the agency's safety and health program within the work unit, including the training and motivation of subordinates toward assuring safe and healthful work practices.

29 CFR 1960.57, Training of Safety and Health Inspectors

Each agency shall provide training for safety and health inspectors with respect to appropriate standards, and the use of appropriate equipment and testing procedures necessary to identify and evaluate hazards and suggest general abatement procedures during or following their assigned inspections, as well as preparation of reports and other documentation to support the inspection findings.

29 CFR 1960.58, Training of Collateral Duty Safety and Health Personnel and Committee Members

Within six months after October 1, 1980, or on appointment of an employee to a collateral duty position or to a committee, each agency shall provide training for collateral duty safety and health personnel and all members of certified occupational safety and health committees commensurate with the scope of their assigned responsibilities. Such training shall include: The agency occupational safety and health program; section 19 of the Act; Executive Order 12196; this part; agency procedures for the reporting, evaluation and abatement of hazards; agency procedures for reporting and investigating allegations of reprisal, the recognition of hazardous conditions and environments; identification and use of occupational safety and health standards, and other appropriate rules and regulations.

29 CFR 1960.59, Training of Employees and Employee Representatives

(a) Each agency shall provide appropriate safety and health training for employees including specialized job safety and health training appropriate to the work performed by the employee, for example: Clerical; printing; welding; crane operation; chemical analysis, and computer operations. Such training also shall inform employees of the agency occupational safety and health program, with emphasis on their rights and responsibilities.

(b) Occupational safety and health training for employees of the agency who are representatives of employee groups, such as labor organizations which are recognized by the agency, shall include both introductory and specialized courses and materials that will enable such groups to function appropriately in ensuring safe and healthful working conditions and practices in the workplace and

enable them to effectively assist in conducting workplace safety and health inspections. Nothing in this paragraph shall be construed to alter training provisions provided by law, Executive Order, or collective bargaining agreement.

29 CFR 1960.60, Training Assistance

(a) Agency heads may seek training assistance from the Secretary of Labor, the National Institute for Occupational Safety and Health and other appropriate sources.

(b) After the effective date of Executive Order 12196, the Secretary shall, upon request and with reimbursement, conduct orientation for Designated Agency Safety and Health Officials and/or their designees which will enable them to manage the occupational safety and health programs of their agencies. Such orientation shall include coverage of section 19 of the Act, Executive Order 12196, and the requirements of this part.

(c) Upon request and with reimbursement, the Department of Labor shall provide each agency with training materials to assist in fulfilling the training needs of this subpart, including resident and field training courses designed to meet selected training needs of agency safety and health specialists, safety and health inspectors, and collateral duty safety and health personnel. These materials and courses in no way reduce each agency's responsibility to provide whatever specialized training is required by the unique characteristics of its work.

(d) In cooperation with OPM, the Secretary will develop guidelines and/or provide materials for the safety and health training programs for high-level managers, supervisors, members of committees, and employee representatives.

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29 CFR 1960.85, Role of the Secretary

(b) The Secretary shall provide leadership and guidance and make available necessary equipment, supplies, and staff services to the Field Federal Safety and Health Councils to assist them in carrying out their responsibilities. The Secretary shall also provide consultative and technical services to field councils. These services shall involve aid in any phase of developing and planning programs; and in sponsoring, conducting or supporting safety and health training courses.

29 CFR 1960.87, Objectives of Field Councils

(d) To promote coordination, cooperation, and sharing of resources and expertise to aid agencies with inadequate or limited resources. These objectives can be accomplished in a variety of ways. For example, field councils could organize and conduct training programs for employee representatives, collateral duty and professional safety and health personnel, coordinate or promote programs for inspections, or, on request, conduct inspections and evaluations of the agencies' safety and health programs.

http://www.access.gpo.gov/nara/cfr/waisidx_01/29cfr1960_01.html



Executive Order 12196, Occupational Safety and

Health Programs for Federal Employees

This Executive Order (EO) applies to all agencies of the Executive Branch except military personnel and military unique equipment. It does however require that each agency utilize as inspectors "personnel with equipment and competence to recognize hazards." Inspections shall be conducted by inspectors qualified to recognize and evaluate hazards of the working environment and to suggest general abatement procedures.

<http://tis.eh.doe.gov/feosh/resource/eo12196.htm>



Department of Defense Instruction 6055.1, DoD Occupational Safety and Health Program

This instruction applies to the Office of the Secretary of Defense (OSD), the Military Departments (including the Coast Guard when it is operating as a Military Service in the Navy, and the Army-Air Force Exchange Service), Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Inspector General of the Department of Defense, the Uniformed Services University of the Health Sciences, the Defense Agencies, and the DoD Field Activities, including any other integral DoD organizational entity or instrumentality established to perform a Governmental function (hereafter referred to collectively as "the DoD Components"). The term "Military Services," as used herein,

refers to the Army, the Navy, the Air Force, and the Marine Corps.

It encompasses all DoD personnel and operations worldwide during peacetime and military deployments. These provisions consider limitations on the applicability of 29 U.S.C.651 et seq., E.O.12196 and 29 CFR 1960 (references (d), (f), and (g)) to the Department of Defense. These limitations include the exemptions or exceptions from Department of Labor (DoL) oversight for military personnel, military-unique operations and workplaces, specific conditions governed by other statutory authorities, and, in certain overseas areas, conditions governed by international agreements.

It includes risk management, aviation safety, ground safety, traffic safety, occupational safety, and occupational health.

It excludes explosive safety covered under DoD 6055.9-STD (reference (h)) and fire prevention and protection covered under DoD Instruction 6055.6 (reference (i)).

2.5. Does not apply generally to DoD contractor personnel and contractor operations. Additional details are given in Enclosure E5. In peacetime operations performed in the Continental United States or its territories or possessions, the contractor is responsible directly to Federal or State Occupational Safety and Health Administration (OSHA) for the safety and health of contractors' employees. See Enclosure E3. for evaluation of DoD contractor exposures during wartime and peacekeeping operations.

Section E3 of the regulations states, "Commanders, supervisors, and managers are responsible for protecting personnel, equipment, and facilities under their command

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by using the risk management process, and for effective implementation of safety and occupational health policies.”

http://www.dtic.mil/whs/directives/corres/pdf/i60551_081998/i60551p.pdf



Army Regulation 385-10, The Army Safety Program

This regulation prescribes the Department of the Army (DA) policies, responsibilities, and procedures in place to protect and preserve Army personnel and property against accidental loss. It provides for public safety incident to Army operations and activities, and safe and healthful workplaces, procedures, and equipment. The regulation assures statutory compliance. It also mandates the Army safety Program policies, procedures, and guidelines into one comprehensive program for all DA personnel and operations worldwide.

Specific supervisory duties include the following:

1-4. Responsibilities

o. Commanders at all levels will be responsible for protecting personnel, equipment, and facilities under their command; effective implementation of safety and occupational health policies; and the integration of the risk management process into their safety and occupational health program.

p. Supervisory and operating personnel who direct or affect the actions of others will -

2-2. Operational Procedures

Leaders and managers are responsible for integrating risk management into all processes and operations. Safety and occupational health staffs will provide risk management training, tools and other related assistance. Leaders and managers will -

a. Ensure that physical standards for facilities and equipment meet or exceed safety and health standards established in pertinent host government, Federal, State, and local statutes and regulations and in Army regulations. Specific requirements and guidance for applying such standards are in chapter 3.

b. Ensure that the risk management process is incorporated in regulations, directives, SOPs, special orders, training plans, and operational plans to minimize accident risk and that SOPs are developed for all operations entailing risk of death, serious injury, occupational illness or property loss. The risk assessment matrix can be tailored by the commander for the type of hazard identified. For example, the matrix in this regulation should be used for hazards involving unsafe or unhealthful working conditions and other hazards associated with base operations. The risk assessment matrix in FMs 100-14 and 101-5 should be used for military training and operational hazards. Effective integration of risk management into the military decision-making process for military training and operations may be found in FMs 100-14 and 101-5.

c. Develop and implement actions to meet responsibilities contained in the accident prevention plans of higher headquarters and to

provide focus and continuity to safety program efforts.

d. Post DD Form 2272 (Department of Defense Safety and Occupational Health Program) in all industrial workplaces. (See fig 2-1.)

e. Ensure that appropriate safety and occupational health training is provided as follows:

(1) All Active Army, Army National Guard (ARNG), USAR, and Army civilian employees will be provided the training and education necessary to achieve the skills listed below. This training, as a minimum, will be in accordance with subpart H, part 1960, title 29, Code of Federal Regulations (29 CFR 1960).

(a) Recognize the hazards and accident risks associated with their duties and work environment and know the procedures necessary to control these risks and work safely.

(b) Know their accident prevention related rights and responsibilities as outlined in relevant statutes and regulations.

(c) As appropriate, know the safety responsibilities of their leaders, supervisors, and commanders.

(2) Commanders, supervisors, and safety and OH staff personnel will be provided specialized training to enable them to properly execute their safety, OH, and risk management leadership and staff responsibilities.

(3) Safety education and promotional materials such as posters, films, technical publications, pamphlets, incentive items, and related materials are proven cost-effective safety awareness tools.

f. Ensure personnel are protected from reprisals for exercising lawful OSH rights. All DA personnel, both military and civilian, will be protected from coercion, discrimination, or reprisals for participation in the Army safety and OH program.

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(1) Such procedures will include provisions to preserve individual anonymity of those submitting safety and health complaints when requested; to ensure prompt, impartial investigation of allegations of reprisal; and to provide corrective action when such allegations are substantiated.

(2) Under the provisions of 29 CFR 1960.46, the above protection against reprisal extends specifically to the right of an Army civilian to decline to perform an assigned task because of a reasonable belief that, under the circumstances, the task poses an imminent risk of death or serious bodily harm and that there is insufficient time to seek effective redress through normal hazard reporting and abatement procedures.

g. Establish specific plans to assure continuity of safety and OH program services during tactical operations or mobilization. These plans will address mission definition, organizational concepts, and staffing and operational procedures required to assure maximum safety function support to the combat mission. Such plans will be developed by all organizations and commands having a combat or combat support mission (for example, TOE units, depots, ammunition plants, and area support groups).

h. Conduct annual safety and loss control program evaluations of subordinate commands using results-oriented criteria.

i. Develop effective programs to reduce injuries and illness to ensure that--

(1) All injuries and illnesses have been thoroughly investigated and the facts from the investigation have been documented on appropriate reports and forms.

(2) Accident reports and compensation claim forms have been properly completed designating the injured employee's

major command and servicing civilian personnel office.

(3) Compensation claims are challenged and controverted when necessary.

j. Establish procedures to ensure required PCE for personnel are provided, used, and maintained in accordance with part 1910, title 29, Code of Federal Regulations (29 CFR 1910).

(1) Military personnel. PCE will be furnished to military personnel performing industrial activities similar to those performed by civilian personnel.

(2) Funding. When required, PCE will be funded from appropriated fund accounts available at the installation or activity. Non-appropriated fund activities will provide PCE from their own funds unless authorized by appropriated fund sources or provided for in a host-tenant agreement.

(3) Issuance of special clothing and equipment to Army civilians.

(a) Special clothing and equipment include clothing and equipment needed for the protection of personnel to perform their assigned tasks efficiently under extreme conditions or situations. These include but are not limited to heat, cold, wetness, pressure, environmental pollution (for example, toxic or hazardous gases, vapors, fumes, or materials); deleterious animal, insect, parasitic, or amoebic life; or any combination of these conditions..

(b) Commanders are authorized to requisition and issue special clothing and equipment on a temporary loan basis from any inventories, other than those of the Army Stock fund, to all direct-hire civilian employees. The following criteria must be met:

1. The use of special clothing and equipment would serve a military purpose.

2. The purchase of such clothing and equipment from commercial

sources would not be practicable or would cause undue hardship on the individual concerned.

3. The clothing and equipment issued would be returned to the issuing organization when no longer required.

(4) Environmental differential pay. Environmental differential pay for civilian employees, when warranted, does not relieve the commander of the responsibility to provide appropriate PCE and to continue efforts to eliminate or reduce any hazardous conditions that justify such pay. Conversely, the requirement to wear PCE in any particular work environment does not, of itself, provide justification for environmental differential pay.

(5) Use of PCE by visitors and transients. For all activities in which official visitors and transients may be potentially exposed to hazards, the host, guide, or area supervisor will conduct a risk assessment of the work location to determine the appropriate protective measures. If the host, guide, or area supervisor can reduce the hazard(s) to an acceptable level without requiring the use of PCE, those measures may be employed (that is, eliminate foot hazards-no safety shoes). However, if it is determined that a safe level of risk cannot be obtained by using these procedures, then the host, guide, or area supervisor will be responsible for providing and assuring the proper use of PCE and the official visitors and transients will be required to wear the specified PCE.

k. Establish and operate an effective explosives safety program to include--

(1) Exercising supervision over subordinate organizations to ensure that effective explosives safety procedures are implemented and maintained to include specific plans to correct violations of explosives safety standards.

(2) Publishing a command program to implement HQDA

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ammunition and explosives safety standards and to identify responsibilities for all subordinate organizations (including tenants) that store, handle, use, or transport explosives.

(3) Ensuring qualified safety personnel (GS/GM-018 or GS/GM-803) review explosives safety site plans, safety submissions, and facility designs for new or modified explosives sites or facilities within the safety arcs of explosives operations.

(4) Ensuring qualified occupational safety personnel review explosives safety waivers and exemptions for facilities and equipment and provide the commander with essential risk data regarding the deficient situation.

l. Ensure that effective range safety procedures are implemented and sustained to include safety office review of all new range construction and all range waivers.

m. Publish command procedures to implement effective family, sports, and recreation safety programs and identify responsibilities for all subordinate organizations and installations.

n. Use the risk management process to establish and operate an effective water safety program to include--

(1) Water-related activities.

(a) Establish and operate a safety program for water operations and water recreational activities and publicize appropriate to the geographic area.

(b) Provide for inspection of water operations and recreational facilities, equipment, and adjacent areas on Army owned or leased properties. Such inspections will assure that safety and health requirements are met.

(c) Provide sufficient lifesaving equipment, communication equipment, first aid facilities, protective devices, and other equipment as shown in TB MED 575 at Army-controlled water

operations and water recreational activities areas.

(d) Issue standing operating procedures for water operations and water recreational activities. Assure that all water operations and recreational facilities and equipment comply with safety and occupational health requirements. Army boats and lifesaving equipment must comply with U.S. Coast Guard and State or host country requirements.

(e) Inform personnel of the hazards of swimming alone, in cold water, after drinking, during hours of darkness, or in unauthorized areas.

(f) Provide water safety briefings before the start of any water operations and the swimming season.

(2) Water operations.

(a) Train persons involved in water operations on accident prevention measures.

(b) Identify military non-swimmers. Provide swimming instructions or water survival training for persons who will be involved in water operations. See FM 21-20 for detailed guidance.

(c) Ensure that equipment used for water crossing operations is prepped to detect water leakage.

(3) Water recreation activities.

(a) When possible, provide swimming instruction and water survival training for persons who engage in water recreational activities.

(b) Ensure that Red Cross certified or equivalent lifeguards will be on duty at Army water recreational areas at all times during hours of operation.

http://www.usapa.army.mil/pdffiles/r385_10.pdf

Army Regulation 385-55, Prevention of Motor Vehicle Accidents

2-2. Driver Selection

Drivers will be selected, trained, tested, and licensed according to AR 600-55, FM 21-17, and FM 55-30.

http://www.usapa.army.mil/pdffiles/r385_55.pdf

Army Regulation 385-63, Range Safety

1-4. Responsibilities

q. Commanders...

(3) Active and coordinated involvement of trained and qualified range control, safety, and quality assurance specialist (ammunition surveillance personnel.

(k) For those individuals authorized access to areas known or suspected of containing UXO, provide appropriate explosives training, UXO identification, and procedures to be taken if UXO is encountered.

http://www.usapa.army.mil/pdffiles/r385_63.pdf

Army Regulation 385-69, Biological Defense Safety Program

1-4. Responsibilities

g. Commanders...

(5) Appoint a safety and occupational health manager per AR 385-10, who is occupationally qualified under the Office of Personnel Management standards and has special knowledge of biological safety and health requirements.

22-3. Administrative and work practice controls

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e. Training and information. All personnel who work directly with etiological agents in the BDP, or who otherwise have a potential for exposure, will receive appropriate training to enable them to work safely and to understand the relative significance of agent exposure.

http://www.usapa.army.mil/pdffiles/r385_69.pdf

Army Pamphlet 385-1, Small Unit Safety Officer/NCO Guide

1-5. Safety guidance

a. Commanders are responsible for soldier safety and the quality of the unit safety program.

b. The success of the unit safety program depends on command emphasis, the recommendations of the ADSO/NCO to the commander, and application of sound risk management principles. To underscore this command emphasis, the ADSO/NCO should be a conscientious and experienced soldier. A successful unit safety program depends upon a genuine and supportive collaboration between leaders and soldiers.

(1) The commander is the foundation of the unit safety program. The commander directly supports the safety program by verbal and written guidance, action, and example.

(2) The ADSO/NCO advises and assists the unit commander to develop and implement safety policy, including risk management. The ADSO/NCO also develops and assists leaders in executing an integrated and comprehensive accident prevention program within

the scope of the unit's TOE or TDA mission.

c. The ADSO/NCO is a member of the staff and performs within guidelines set by the commander. These guidelines may specify selected activities that require the commander's personal approval regardless of controls that may mitigate risk to a lower level. Commanders should delegate authority to the ADSO/NCO to direct necessary action when personnel, property, or equipment are endangered. Recommendations made by the ADSO/NCO in the name of the commander will be in line with policy and guidance provided by the commander.

d. The Army develops accident prevention programs and procedures as controls for Army-wide hazards. However, controls only protect the force when the commander implements them at unit level with the help of the ADSO/NCO and other unit leaders and soldiers.

http://docs.usapa.belvoir.army.mil/iw2/xmldemo/p385_1/head.asp

Army Pamphlet 385-61, Toxic Chemical Agent Safety Standards

7-2. Training personnel

a. Supervisors will ensure that the training outlined in this pamphlet is accomplished. Safety, industrial hygiene, and medical personnel (if medical information/issues are involved) will provide technical assistance.

http://www.usapa.army.mil/pdffiles/p385_61.pdf



Title 5, USC, 8101, The Federal Employees Compensation Act

The Federal Employees' Compensation Act (FECA) provides monetary compensation, medical care and assistance (attendant allowances), vocational rehabilitation, and reemployment rights to federal employees who sustain disabling injuries as a result of their federal employment. FECA also provides for a fixed payment for the deceased employee's funeral expenses and for compensation benefits to qualified survivors of the decedent in cases of employment-related death.

The employee is responsible for establishing the essential elements of the claim – the burden of proof. The Office of Workers' Compensation Program (OWCP) will help the employee to meet this responsibility, which is termed burden of proof, by requesting evidence need to establish these elements if such information is not included with the original submittal.

Supervisors have a duty to ensure that claims are legitimate. Should the supervisor question the validity of a claim, he or she should investigate the circumstances and report the results to OWCP. All such allegations must be supported by factual evidence. Situations which may prompt the supervisor to conduct such an investigation, and actions which the agency may take, are as follows:

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- A. Differing Versions. If the employee has given differing versions of the incident to different people, or several witnesses give differing accounts of the facts surrounding the injury, the supervisor should request a written statement from each person which details his or her knowledge of the situation.
- B. Previous Injury. If the employee reported to work on the date of the claimed injury with the appearance of a pre-existing condition or injury, the agency should obtain statements from witnesses which detail the relevant observations.
- C. Time Lags. If an injury is reported long after it alleged occurrence, and the employee appears to be able to perform normal duties, a written statement detailing the situation should be composed.
- D. Other Employment. If an employee who has claimed injury is reported to be working at another job, the supervisor should first ask him or her about the requirements of the other employment. Depending on the reply, the supervisor may wish to ask the employee for permission to contact the other employer for information about duties and periods of work.

http://www.cpms.osd.mil/vip/per_data/595.htm

In Summary

Although varied, these laws and regulations comprehensively outline management's requisite duties and mandated requirements. Each of our employees/subordinates relies on our ability to provide the proper guidance in conducting any operation or activity in a safe and healthful manner. *gwh/03*

Websites of Interest

Army Publishing Directorate
<http://www.usapa.army.mil>

Training Requirements in OSHA Standards and Training Guidelines
<http://www.osha.gov/Publications/osa2254.pdf>

AR 350-1, Army Training
http://books.usapa.belvoir.army.mil/cgi-bin/bookmgr/BOOKS/R350_1/CCOINTENTS

USAREUR Regulation 350-1, Training in USAREUR
<https://www.aeaim.hqusareur.army.mil/library/reg/pdf/ur350-1.pdf>

AR 690-950, Civilian Personnel: Career Management
http://docs.usapa.belvoir.army.mil/jw2/xmldemo/r690_950/cover.asp

The Complete Occupational Safety and Health Act of 1970
http://www.osha-slc.gov/pls/oshaweb/owadisp.show_document?p_table=OSHACT&p_id=2743&p_text_version=FALSE

A Parting Thought

"Human beings, who are almost unique in having the ability to learn from the experience of others, are also remarkable for their apparent disinclination to do so."
– Douglas Adams



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Thanks!

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