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August 29, 2013 - 3:30pm

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WASHINGTON – The U.S. Department of Energy (DOE) has issued a Preliminary Notice of Violation (PNOV) to Brookhaven Science Associates, LLC (BSA) for two violations of the Department's worker safety and health regulations. As part of the Energy Department's commitment to worker safety, DOE's enforcement program holds contractors accountable for meeting regulatory requirements and maintaining a safe and healthy workplace.

The violations are associated with a November 29, 2011, fall injury event that occurred while BSA workers stood on a scissor lift work platform to torch cut a steel wall section of the decommissioned Brookhaven Graphite Research Reactor in Building 701 at the Brookhaven National Laboratory. One worker fell approximately 16 feet when a section of the platform guardrail collapsed. The worker was hospitalized with multiple fractures.

The PNOV cites two violations of DOE worker safety and health regulations in the areas of hazard identification and assessment; hazard prevention and abatement; and training and information. BSA is cited for failure to comply with 10 Code of Federal Regulations (C.F.R.) Part 851, *Worker Safety and Health Program*. DOE has grouped and categorized the deficiencies as one Severity Level I violation and one Severity Level II violation. A Severity Level I violation is a serious violation where the potential for death or serious physical harm could result from a workplace hazard. A Severity Level II violation is an other-than-serious violation that has a direct relationship to worker safety and health. DOE administered a contract fee reduction in the amount of \$959,595 for significant failures in safety performance, including the matters associated with this enforcement action.

In response to the fall injury event, BSA implemented comprehensive corrective actions to address the findings by a joint BSA/DOE accident investigation team and the violations in the attached PNOV. These corrective actions included strengthening processes for identifying and controlling workplace hazards, improved aerial lift safety procedures, and effective worker training.

The Bob Stump National Defense Authorization Act for Fiscal Year 2003 authorizes the Energy Department to take regulatory actions under 10 C.F.R. Part 851 against contractors for violations of its worker safety and health requirements. DOE's Enforcement Program encourages contractors to identify and correct worker safety and health deficiencies at an early stage before they contribute to or result in more serious events.

Additional details on this and other enforcement actions are available at [www.hss.doe.gov/enforce](http://www.hss.doe.gov/enforce).



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