



Best Practice #278 Rev. 0

Effective Date: 9/17/2026

EFCOG Best Practice #278

Flowing Down 10 CFR 851 Requirements to Subcontractors

Facility:

DOE Complex

Best Practice Title:

Flowing Down 10 CFR 851 Requirements to Subcontractors

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Brief Description of Best Practice:

This best practice provides recommendations and examples on flowing down 10 CFR 851 Worker Safety and Health Program requirements from the DOE Prime Contractor to its Subcontractors for on-site work. The goal is to improve subcontractor safety performance to support mission enablement objectives at DOE facilities. Subcontractors are required to meet 10 CFR 851 requirements applicable to the subcontracted work activity.

Subcontractor documents such as safety programs, job hazard analyses (JHAs), and any other required safety submittals (e.g., training records, competent person records) shall be obtained and reviewed using a graded and tailored approach to comply with 10 CFR 851.

Why the best practice was used:

The best practice was created to provide recommendations on preparing detailed documents tailored to the specific subcontracted work activity. The examples contained in this document serve as a resource to address past shortcomings in Subcontractors' understanding of key 10 CFR 851 requirements.

What are the benefits of the best practice:

Adopting this best practice offers the Prime Contractor a reliable and streamlined framework for issuing requirements, developed from industry benchmarking and EFCOG team member collaboration. By setting clear expectations and ensuring a consistent, graded, and tailored approach, teams can achieve efficient compliance with 10 CFR 851. This reduces confusion, saves time, and leads to better project results.

What problems/issues were associated with the best practice:



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An ineffective flow down of 10 CFR 851 requirements poses challenges to implementation of work activities. It is crucial to ensure that the work activity matches the appropriate risk category - low, medium (moderate), or high. The Prime Contractor may face challenges in choosing the correct template (e.g., deciding which Exhibit F to use) for review, so it is important to verify that they understand the different exhibits and are reviewing them carefully. The Prime Contractor's Subcontract Technical Representative (STR) should engage additional subject matter experts, such as the Prime Contractor Evaluator's, to help identify and assess the hazards, as well as other regulatory drivers (e.g., internal procedures, consensus standards, DOE Orders).

For construction projects, a more formal process is necessary. This involves conducting a job kickoff, organizing pre-construction meetings, and thoroughly reviewing the relevant exhibits. Conversely, for low-risk assessments, a formal review is typically not performed, which can lead to communication gaps and subsequent issues.

In typical commercial-type construction, changes in hazards, procedures, or equipment are usually handled by the Site Superintendent or Foreman at the activity level, who resolves the issue and keeps the project on track; this structure does not exist in the DOE complex. Managing changes at DOE sites can be complex, as the STR is required to have a thorough understanding of relevant DOE orders, regulations, and site-specific requirements to effectively respond to changes, deliver updates, and maintain timely communication and notifications.

How the success of the Best Practice was measured:

A graded approach methodology is being leveraged by Prime Contractor as validated through benchmarking sessions. Subcontractors provided favorable post-job feedback. The examples identified in this Best Practice have shown successful flow down of 10 CFR 851 requirements to its Subcontractors.

Description of process experience using the Best Practice:

Introduction: It is a best practice for DOE Prime Contractors to use a graded and tailored approach to implement 10 CFR 851 requirements for subcontracted work. All elements of risk shall be considered: low, medium (moderate), or high.

Process: The Prime Contractor embeds Worker Safety and Health Program (10 CFR 851) language into the Subcontract Award to ensure 10 CFR 851 requirements are being followed.

Example language:

All work by the Subcontractor and its lower-tier Subcontractors at the DOE worksite is subject to the Worker Safety and Health Program regulation at Title 10, Part 851 of the U.S. Code of Federal Regulations (10 CFR 851). The DOE Prime Contractor has established a Worker Safety and Health Program to implement the requirements of 10 CFR 851 for the work at Prime Contractor's worksites. The Subcontractor shall assist the DOE Prime Contractor and the DOE/NNSA in complying with all applicable environmental, safety, health regulations, including



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10 CFR 851, and may be subject to DOE enforcement actions for violations thereof. Information on the regulation is available at the following website:

<https://www.directives.doe.gov/references>

For low-risk work, engage with the Prime Contractor's Representative in conjunction with other stakeholders (e.g., Requester of work activity, Work Planner, Subcontractor, ES&H Field Lead, or STR) as necessary to provide an initial assessment to deem the work activity as low risk. If required based on Prime Contractor's policy, additional follow up and signatures may be required by Prime Contractor's Evaluator to provide final low-risk determination to allow the Subcontractor to perform associated work. Examples of low-risk activities determined by the Prime Contractor may include performing classroom instruction, lectures, training, or field inspections by an Architectural and Engineering (A&E) firm on-site.

For medium to high-risk work, the Prime Contractor should tailor the Subcontractors requirements based on the work activity and address safety and health topical areas as required by utilizing existing Prime Contractor topic-specific programs and forms. Examples of medium to high-risk work activities may include installing scaffolding, utilizing Class 3B or 4 lasers, using fall prevention/protection, or performing complex Lockout/Tagout (LOTO) on equipment.

Review the repository (linked under Table C) for example resources that can be utilized when performing a low, medium, or high-risk work activity:

- LLNL AL-0_DCSL List for Low-Risk Work
- LANL Exhibit F – ES&H Requirements for Low Consequence Work
- LANL Exhibit F – ES&H Requirements for High or Moderate Consequence Work

Note: The Prime Contractor may include additional environmental, waste, and radiation protection requirements under the 10 CFR 851 umbrella depending on site requirements.

The STR and Prime Contractor's Evaluator shall review safety and health submittals to ensure the safe execution of work for medium to high-risk work such as Corporate Safety Plans/Site Specific Safety Plans, other required plans (e.g., LOTO Plan, Confined Space Plan, Method of Transportation Plan, Material Handling/Hoisting and Rigging Plans), and training records (e.g., LOTO Authorized Worker, Qualified Electrical Worker, Competent Worker). Safety submittals required based on Scope of Work. Low-risk work may not require the Prime Contractor to review safety submittals from the Subcontractor; consult site requirements when making this determination.

Review repository for additional guidance in determining the appropriate safety submittals for a given work activity:

- LLNL Safety Submittal Checklist

Note: If the criteria above does not align with the parameters for low, medium, or high-risk work, or if unforeseen or changing conditions arise, pause work and coordinate with the STR to remedy the situation. Additionally, STR may need to escalate to senior management for support with appropriate work activity risk determination. STR to also



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review Prime Contractor's guidance when planning work related to cyber or security, especially in high-security locations where requirements are more stringent than unclassified areas, to account for emerging changes or contingencies.

Review Appendix B for additional guidance in flowing down 10 CFR 851 requirements.

Appendix A – Terms and Definitions

Term	Definition
Prime Contractor*	The contracting organization, office, or individual tasked with awarding the Subcontractor under DOE.
Prime Contractor Evaluator*	These individuals have the authority from the Prime Contractor to evaluate and provide final risk determination on the work activity - identifying risk as low, medium (moderate), or high. Personnel that may fit these roles include STR, Environmental Professional, Safety and Industrial Hygiene Lead, and Electrical Safety Officer. Typically, multiple individuals are required to sign-off on the final risk determination. These individuals may also assess and review the Subcontractor's safety submittals, as well as provide concurrence to ensure safe execution of work.
Prime Contractor's Representative*	This individual has the authority from the Prime Contractor to evaluate initial risk assessment—identifying if a risk is considered low, medium (moderate), or high. Personnel that may fit this role include Requester, Work Planner, Subcontractor, Safety Lead, or STR.
Subcontract Technical Representative (STR)*	The STR is a person designated by the Prime Contractor to serve as the primary technical point of contact for a specific contract or project. The STR is responsible for: • Overseeing the technical aspects of the work being performed • Ensuring that all technical requirements of the contract are met • Communicating with the Contractor's SMEs or project managers • Providing technical guidance and resolving technical issues that may arise during the project • Coordinating with the Contractor's team to ensure compliance with specifications, standards, and schedules The STR does not have contractual authority (such as approving changes to the subcontract or

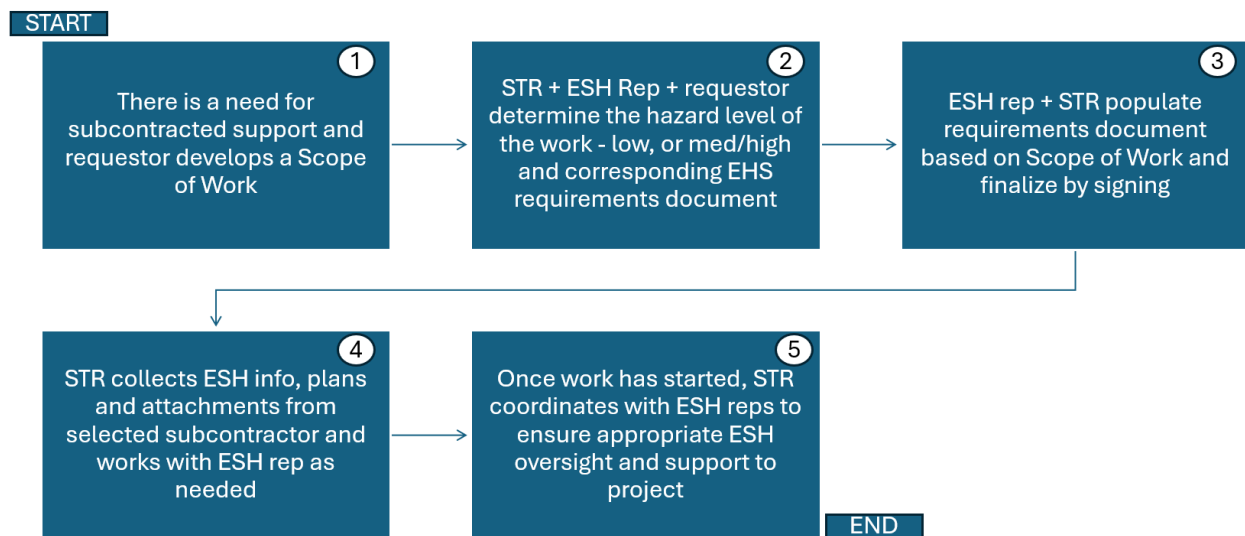


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	authorizing payments), but focuses on ensuring that the technical performance of the contract meets the required standards and expectations. The specific duties and authority of a STR may vary depending on the organization and the nature of the contract.
Subcontractor*	The contractor at any tier hired to perform specific tasks by the Prime Contractor.

*These are definitions as they apply to this document.

Appendix B – Example Flow Down of 10 CFR 851 Requirements



*Review Exhibit F – Procurement Process Flow example linked under Appendix C for greater detail.

Appendix C – Table of Resources

Link: [Repository](#)

#	Artifact	Description (When to utilize the artifact)
1	LANL Exhibit F - ES&H Requirements for High or Moderate Consequence Work	When performing a medium (moderate) to high-risk work activity.
2	LANL Exhibit F - ES&H Requirements for Low Consequence Work	When performing a low-risk work activity.
3	LANL Exhibit F - Procurement Process Flow	Displays the procurement process cycle with incorporation of the Exhibit F document into the Subcontract Award.
4	LLNL AL-0_DCSL List for Low-Risk Work	The Designated Commercial Services List (DCSL) provides examples as to which work tasks may be deemed low-risk.



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5	LLNL_Safety_Submittal_Checklist	A job aid that provides a complete list of Subcontractor safety submittals that may be required based on the subcontracted work activity.
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