

EXHIBIT B
ENVIRONMENT, SAFETY AND HEALTH REQUIREMENTS –
A/E SERVICES CONTRACTOR’S / CONSULTANT’S
RESPONSIBILITY FOR PROJECT SAFETY

1. The requirements contained herein are specifically related to the Environment, Safety and Health (ESH) associated with the performance of the consulting work for this contract and focused on protecting the Contractor and Subcontractor employees and the environment in which they work. These requirements are not intended to infer any responsibility for the work performed to construct or utilize the work product of this contract, nor to replace codes and standards used in the design process.

2. Contractor recognizes the importance of performing the work in a safe and responsible manner so as to prevent damage, injury, or loss to individuals, the environment, and the Project, including materials and equipment incorporated into the Project or stored on-site or off-site. Contractor assumes responsibility for following all ESH precautions and programs related to the performance of the Project.

3. Contractor and Subcontractors shall comply with all legal and Owner-specific reporting requirements relating to ESH set forth in the Contract Documents. Contractor will immediately report orally, and in writing within one (1) day, any ESH related injury, loss, damage, or accident arising from the work to Owner’s Representative and, to the extent mandated by legal requirements, to all government or quasi-government authorities having jurisdiction over safety-related matters involving the Project. Contractor will also immediately notify Owner of any failure to comply with state and federal environmental laws, rules, and regulations.

4. Contractor’s responsibility for ESH under this Article is not intended in any way to relieve Subcontractors and Subcontractors of their own contractual and legal obligations and responsibilities.

ESH Requirements and Coordination

5. Safety and protection of the environment are of the utmost concern on this Contract. Safety in this context refers to the health and safety of people and the protection of the environment. Nothing contained herein relieves the Contractor from complying with all applicable standards and regulations found in 29 CFR Part 1926 (the OSHA construction standard), 40 CFR Parts 261-265 (solid and hazardous waste management), as applicable. Site specific safety requirements are defined in the “Contractor Safety Policy,” located at: <http://sanfordlab.org/ehs/manual/22-construction-ehs-manual-policy>. MSHA compliance may be acceptable after review.

6. The Contractor will address the safety requirements defined. Contractor costs associated with the implementation of the requirements will be borne by the Contractor.

7. If Contractor performs any work onsite at the Sanford Underground Research Facility (SURF), the Contractor shall be accompanied at all times by an Owner’s representative.

8. If Contractor performs any work onsite at the SURF, the Contractor is expected to follow a work planning process that is acceptable to the Owner. The work planning process must be conducted and documented prior to the start of Work. The work planning process follows these steps and is documented in the form of a Job Hazards Analysis (JHA):

- a) Define the scope of the work.
- b) Analyze hazards in a step by step fashion.
- c) Develop and implement hazard controls and regulatory compliance.
- d) Perform the work and monitor the effectiveness of the hazard controls.

e) Provide feedback to improve the process (e.g. routine workplace inspections, auditing compliance during work performance, job briefing postings, lessons learned, etc).

A JHA, developed with the Owner, must be completed and reviewed with the individual(s) expected to participate in the task(s) prior to beginning a specified task. Copies of JHAs must be present at the location where tasks are being performed and accessible to the individuals performing the tasks and to Owner representatives.

9. If Contractor performs any work onsite at the SURF, the Owner will conduct a work planning meeting (tailgate/toolbox talk) including, when necessary, Subcontractor employees, prior to the beginning of each shift. This talk will include the plan for the day, a review of hazards and potential regulatory issues, and the review of applicable JHAs.

10. Contractor shall provide all common Personal Protective Equipment (PPE) required for the Work (hard hats, safety toe boots, safety glasses) unless otherwise stated in the Scope of Work. Owner shall provide non-standard PPE for the Contractor's use if required. Non-standard PPE may include items such as fall protection, lights and self rescuers for underground work, etc.

11. The Contractor is responsible for screening all Subcontractors with respect to safety and to adopt a safety selection process consistent with requirements defined herein. In addition, Contractor is responsible for flowing down all ESH requirements of the Contract to its Subcontractors, including monitoring and enforcing compliance.

12. The Contractor is responsible for assuring that all Contractor employee safety training is completed in compliance with Owner guidelines, policies, and 29 CFR 1926. The following training is required for all Contractor personnel before they start work:

(a) Documented compliance with OSHA 1910 and 1926 along with training requirements as applicable is required. Note that current MSHA training certification is also acceptable.

(b) For all Contractors on site beyond the common office areas:

i. Site Specific ESH Orientation and Training (plan for a 1 to 2-hour on-site training course conducted by Owner's representatives).

ii. Any other training requirements identified by the Contractor or by the Owner and communicated to the Contractor, during the bid process and Site Specific ESH Program review.

13. If the Owner perceives the Contractor has created or is exposed to an imminent danger or a non-compliance situation, the Owner will suspend work until safe conditions are re-established. Such stoppages will be at the expense of the Contractor and will not add time to the completion date of the Contract.

14. In the event of an incident occurring at the Owner's facility, Owner will conduct an incident investigation in accordance with the Owner's policies. The investigation will include preparing a written report summarizing the results of the investigation, corrective actions taken to prevent a recurrence, and any lessons learned. The Owner will facilitate the incident investigation with Contractor participation. Time and expense incurred by Contractor performing an incident investigation will be at the Contractor's expense.

15. All chemicals to be used at the Owner's facility must be approved by the Owner and Safety Data Sheets (SDS) must be maintained by the Contractor.

16. Smoking, use of tobacco products, alcohol, controlled substance or weapons are not allowed within the boundaries of the Owner's facility. All property owned and operated by the SDSTA is designated as tobacco-free. This applies to all areas of the surface and the underground. The Contractor

shall manage and maintain a drug and alcohol policy that aligns with that of the Owner's written policy and procedures. ESH department review of this document may be required.

17. Contractor acknowledges that periodic drills and exercises are required by Owner to validate the adequacy and effectiveness of Owner's Emergency Response Plan. Contractor also recognizes that such drills and exercises enhance its employees' understanding of Owner's Emergency Response Plan. Contractor agrees to participate in quarterly drills, which may or may not be scheduled in advance, during the term of this Contract. It is understood that Contractor will not be entitled to any additional compensation for participating in these drills or exercises.

18. Contractor agrees to assess whether Contractor's employees have the physical, mental, and emotional capacity to perform assigned tasks competently, and in a manner that does not unreasonably threaten safety, health, or property, including participation in emergency procedures applicable to Contractor's work location.

19. Owner reserves the right to restrict or deny access of any Contractor employee to the work location.

20. Contractor shall report the hours worked on site by Contractor's employees on a monthly basis to ESH Safety Coordinator, Michelle Andresen (mandresen@sanfordlab.org) and to the SDSTA Representative named in the Contract. Hours should be emailed to both Ms. Andresen and the SDSTA Representative no later than the 3rd day of the month for hours worked the previous month.