Department of Energy
Washington, DC 20585

October 29, 2026

Dr. John P. Hill
Laboratory Director
Brookhaven Science Associates, LLC
Brookhaven National Laboratory
Post Office Box 5000
Upton, New York 11973-5000

WCO-2026-01

Dear Dr. Hill:

The Office of Enforcement has completed its investigation into the facts and circumstances associated with the 277 VAC electrical shock event in Building 1005S at the Brookhaven National Laboratory on May 8, 2025. Brookhaven Science Associates, LLC (BSA) documented this event in the Department of Energy's (DOE) Noncompliance Tracking System under report NTS-SC-BHSO-BSA-BNL-2025-0011204, dated June 30, 2025.

DOE determined the electrical shock event to be of high safety significance. The event occurred when a Delcon electrician, positioned on an 8-foot fiberglass ladder at a junction box in BNL's Building 1005S, contacted an energized neutral conductor shared with an adjacent active circuit while working on a circuit believed to be locked out, resulting in a 277-volt electric shock. A Delcon apprentice shook the ladder to separate the electrician from the energized conductor, causing the electrician to fall approximately five feet to the floor and seek medical evaluation the following day. DOE considers BSA's internal investigation and causal analysis adequate and the corrective action plan appropriate to address the identified causes and prevent recurrence.

In accordance with 10 C.F.R. § 851.41, *Settlement*, the Office of Enforcement has elected to resolve any potential noncompliances with requirements enforceable under 10 C.F.R. Part 851, *Worker Safety and Health Program*, through execution of a Consent Order. In deciding to enter into this Consent Order, DOE placed considerable weight on the underlying safety significance of the potential violations as well as BSA's investigation, response, and corrective actions that are likely to prevent recurrence.

DOE reserves the right to re-open this investigation if DOE later becomes aware that BSA provided any false or materially inaccurate information. Further, if there is a recurrence of worker safety and health deficiencies similar to those identified in this Consent Order, or a failure to comply with the terms and conditions prescribed in the Consent Order (or other related actions that BSA subsequently determines to be necessary) to prevent recurrence of the identified issues, then the Office of Enforcement

may pursue additional enforcement activity. The Office of Enforcement, Office of Science, and Brookhaven Site Office will continue to closely monitor BSA's implementation of worker safety and health requirements until the issues associated with this Consent Order are fully resolved.

Enclosed please find the Consent Order for your signature. Within one week from the date of receipt, sign and return the Consent Order to the Office of Enforcement. Please follow all instructions specified in the enclosure and keep a copy for your records. By signing this Consent Order, you agree to comply with all of the terms specified in section IV of the Consent Order and in the manner prescribed therein.

If you have any questions concerning this Consent Order, please contact me at 301-903-7707, or your staff may contact Dr. Shannon Holman, Director, Office of Worker Safety and Health Enforcement, at 301-903-0100.

Sincerely,



Robin M. Keeler
Acting Director
Office of Enforcement
Office of Enterprise Assessments

Enclosure: Consent Order (WCO-2026-01)

cc: Matthew Barger, SC-BHSO
Glenn Fallucca, Brookhaven Science Associates, LLC

Enclosure

In the matter of	) NTS-SC-BHSO-BSA-BNL-2025-0011204
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Brookhaven Science Associates, LLC	)
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	) Consent Order WCO-2026-01

CONSENT ORDER INCORPORATING AGREEMENT BETWEEN THE U.S. DEPARTMENT OF ENERGY AND BROOKHAVEN SCIENCE ASSOCIATES, LLC

I

Brookhaven Science Associates, LLC (BSA) is responsible for the management and operation of the Department of Energy's (DOE) Brookhaven National Laboratory (BNL). BSA is the prime contractor under Contract No. DE-SC0012704 (Contract) entered with the DOE Brookhaven Site Office (BHSO). Delcon Electric, Inc. (Delcon) performed electrical work activities at BNL under contract with BSA. Delcon was a subcontractor to BSA under Contract No. TO-ELECTRICAL-DELCON-2022.

II

On May 8, 2025, a Delcon electrician was standing on an 8-foot fiberglass ladder performing work in a junction box at BNL's Building 1005S. While attempting to execute work on a circuit believed to be locked out, the electrician contacted an energized neutral wire shared with an adjacent, active circuit and received a 277-volt electric shock. An apprentice shook the ladder to dislodge the electrician from the energized conductor, subsequently causing the electrician to fall approximately five feet to the floor. The apprentice notified their foreman, who then informed Delcon management, who responded to the site. The electrician declined medical attention but sought medical evaluation the following day. Delcon did not notify BSA of the event until five days later, on May 13, 2025.

BSA's root cause analysis (RCA) of the event, *Electrical Shock and Fall from Ladder*, dated July 11, 2025, identified one root cause for the event, five contributing factors, and two adjunct issues. This event was documented in DOE's Noncompliance Tracking System (NTS) under report NTS-SC-BHSO-BSA-BNL-2025-0011204, dated June 30, 2025.

On January 14, 2026, the DOE Office of Enforcement notified BSA of its decision to investigate the facts and circumstances associated with potential deficiencies related to this event and BSA's implementation of its worker safety and health program.

On February 27, 2026, BSA submitted a request for settlement to the Office of Enforcement by means of a Consent Order to resolve the matter under investigation.

Following BSA's investigation and in response to the event, BSA issued its corrective action plan *Electrical Shock and Fall from Ladder* on August 11, 2025, and identified 21 corrective actions and their respective due dates to address the root cause and contributing causes. These actions included conducting an RCA, performing an extent of condition review, improving work planning and permits, strengthening subcontractor oversight, and enhancing training. The Office of Enforcement reviewed BSA's proposed corrective actions and its implementation plan and found that BSA's response appears adequate to address the causes and potential noncompliances.

III

Pursuant to Title 10 Code of Federal Regulations (C.F.R.) § 851.41, *Settlement,* at any time during enforcement proceedings, DOE may resolve any or all outstanding issues with a Consent Order if the settlement is consistent with the 10 C.F.R. Part 851, *Worker Safety and Health Program*.

To resolve potential noncompliances of worker safety and health requirements and in consideration of BSA's investigation, causal analysis, and associated corrective actions taken since the submission of the NTS report identified above, DOE has elected to enter into this settlement. DOE and BSA have reached agreement to resolve this matter through execution of this Consent Order.

IV

Accordingly, the terms of this Consent Order are as follows:

In consideration of the mutual agreements set forth in this section, the sufficiency and adequacy of which are acknowledged by DOE and BSA (hereinafter the "Parties"), the following terms represent agreement by the authorized representatives of the Parties to resolve by settlement the potential noncompliances at BNL, in lieu of an enforcement action that DOE may issue pursuant to 10 C.F.R. § 851.42 *Preliminary notice of violation*.

1. BSA shall complete the actions specified in items 1.b, and 1.d through 1.f by January 31, 2027, item 1.c by June 30, 2027, and fulfill the requirements specified in items 1.g through 1.j in accordance with their respective schedules.

    a. BSA updated NTS report number NTS-SC-BHSO-BSA-BNL-2025-0011204 on September 7, 2026, to include all 21 actions and their respective due dates listed

in the corrective action plan *Electrical Shock and Fall from Ladder* issued on August 11, 2025. BSA completed all 21 corrective actions identified in the corrective action plan as of July 16, 2026, and verified closure for all actions.

b. Review electrical safety training and qualification programs for BSA personnel and contractors, commensurate with the level of electrical work performed, to ensure complex lockout/tagout procedures, multi-wire branch circuitry (e.g., shared neutral) hazards, and electrical briefing forms are adequately addressed. The review will include Qualified Electrical Worker 1 (TQ-QEW1), Qualified Electrical Worker 2 (TQ-QEW2), Qualified Electrical Worker 3 (TQ-QEW3), and Qualified Electrical Worker 4 (TQ-QEW4) training courses, as well as Lockout/Tagout (LOTO) Initial Classroom and Refresher training. The review shall be documented, including any identified gaps or opportunities for enhancement. Where gaps are identified, the applicable training shall be revised and implemented.

c. Conduct an independent review of BSA's lockout/tagout program, including its application by contractors, to ensure compliance with regulatory requirements and best practices. The review is to be led by an independent external expert with concurrence by the BHSO Site Manager. Provide the results of the review to EA-11, OSS-SAF, and the BHSO Site Manager within 30 calendar days of completion. This item shall be completed by June 30, 2027.

d. Develop and implement measurable performance indicators for contractor safety compliance that include specific requirements for improved communication protocols between BSA and its contractors regarding hazard identification, work status, and immediate incident reporting, including clear escalation paths and consequences for non-compliance and submit monthly status reports to the BHSO Site Manager until completion of all actions specified in items 1.a through 1.g.

e. Submit quarterly reports to the BHSO Site Manager on the maturity and effectiveness of its contractor oversight program, focusing on BSA's Modernization Project Office oversight and integration of institutional knowledge until the completion and closure of all actions as specified in items 1.a through 1.g, below.

f. Review BSA's institutional lessons learned process, and revise as needed, to ensure lessons learned from significant worker safety and health events are evaluated for appropriate dissemination and, where applicable, incorporated into training, procedures, and work-planning processes. Implement the revised process and provide objective evidence of implementation to the BHSO Site Manager.

g. Engage an independent third party, external to BSA and with no prior involvement in the corrective actions under review, to conduct an effectiveness review of the 21 corrective actions identified in NTS report NTS-SC-BHSO-

BSA-BNL-2025-0011204. The scope of the review and the selection of the reviewer shall be subject to concurrence by the BHSO Site Manager. BSA shall provide the results of its completed effectiveness review to the reviewer as input. Provide the Office of Worker Safety and Health Enforcement (EA-11), the Office of Science Safety Division (OSS-SAF), and the BHSO Site Manager with a copy of the results of the independent effectiveness review within 30 calendar days of completion. This item shall be completed by June 30, 2027.

h. Provide quarterly written updates to EA-11, OSS-SAF, and the BHSO Site Manager on the status of actions and associated milestones for items 1.a through 1.g, above, until said actions are completed.

i. Obtain approval from the BHSO Site Manager in writing at least 30 days before the specified due date for any changes or extensions to actions in items 1.a through 1.g, above, and notify EA-11 and OSS-SAF of all approved changes.

j. Notify EA-11, OSS-SAF, and the BHSO Site Manager upon completion of all actions specified in items 1.a through 1.g, above, within 30 calendar days of completion.

2. In consideration of the action taken by BHSO affecting the FY2025 Performance Evaluation Report rating with the resultant fee reduction related to the electrical shock and fall from a ladder event, and consistent with 10 C.F.R. § 851.5(c), *Enforcement*, no monetary remedy is included in this Consent Order.

3. BSA agrees to return a signed copy of this Consent Order, within one week from the date of receipt, via email, to the Director, Office of Enforcement at enforcementdocketclerk@hq.doe.gov.

4. The effective date of this Consent Order shall be the date upon which BSA signs this Consent Order.

5. This Consent Order shall constitute a full and final settlement of the potential noncompliances identified in the referenced NTS report, subject to BSA's completion of all actions set forth in item 1, above, to the satisfaction of DOE.

6. BSA agrees that no costs, as defined in the Federal Acquisition Regulation, 48 C.F.R.
§ 31.205-47, incurred by, for, or on behalf of BSA relating to coordination and cooperation with DOE concerning the investigation of matters covered by this Consent Order, are allowable under the Contract. However, costs incurred by, for, or on behalf of BSA relating to the development and implementation of corrective actions (including costs associated with the effectiveness review required under item 1, above) may be considered allowable costs under the Contract at the discretion of the Contracting Officer in accordance with applicable law.

7. This Consent Order does not preclude DOE from re-opening the investigation nor preclude DOE from issuing an enforcement action under 10 C.F.R. § 851.42 with respect to a potential noncompliance if: (a) after the effective date (as defined in item 4, above), DOE becomes aware of any false or materially inaccurate facts or information provided by BSA; (b) there is a recurrence of worker safety and health deficiencies similar to those identified above; or (c) BSA fails to complete all actions identified in item 1, above, in a timely and effective manner to prevent recurrence.

8. Any modification to this Consent Order requires the written consent of all Parties.

9. BSA waives any and all rights to appeal or otherwise seek judicial or administrative review of the terms of this Consent Order. DOE retains the right to judicially enforce the provisions of this Consent Order by all available legal means.

10. This Consent Order is issued pursuant to DOE's authority under Section 234C of the Atomic Energy Act of 1954, as amended (codified at 42 U.S.C. § 2282c), and the implementing provisions of 10 C.F.R. Part 851 governing enforcement of worker safety and health requirements at DOE sites.

11. This Consent Order shall become a Final Order after the signed copy, referenced in item 3, above, is filed by the Office of Enforcement's Office of the Docketing Clerk.

On behalf of my respective organization, I hereby agree to and accept the terms of the foregoing Consent Order.

FOR Office of Enforcement

Date 10/29/2026

Robin M. Keeler
Acting Director
Office of Enforcement
Office of Enterprise Assessments

FOR Brookhaven Science Associates, LLC

Date 11/2/2026

Dr. John P. Hill
Laboratory Director
Brookhaven Science Associates, LLC