



Department of Energy

Washington, DC 20585

February 12, 2015

Mr. Richard A. Lamb
Executive Vice President/Chief Operating Officer
Webcor Builders
207 King Street, Suite 300
7000 East Avenue
San Francisco, California 94107

WEL-2015-01

Dear Mr. Lamb:

This letter refers to the Office of Enterprise Assessment's Office of Enforcement investigation into the facts and circumstances associated with a 277-volt electrical shock suffered by an apprentice electrician at the Lawrence Berkeley National Laboratory's (LBNL) General Purpose Laboratory (GPL), Building 33, on November 19, 2013. Webcor Builders (Webcor) is under contract to the University of California (UC) to fulfill the responsibilities of a general contractor for the Seismic Life-Safety Modernization and Replacement of the General Purpose Building, Phase 2 Project at LBNL. The Department of Energy (DOE) provided the results of its investigation to Webcor in an Investigation Report dated September 8, 2014, and convened an enforcement conference with Webcor representatives at LBNL on October 15, 2014, to discuss the report's findings and Webcor's response. The Office of Enforcement is issuing this enforcement letter to express concerns about Webcor's electrical safety management oversight of subcontractor work in light of the November 19 GPL electrical shock event and related events at LBNL involving Webcor as a general contractor.

Based on a careful and thorough examination of the facts associated with the electrical shock event, the Office of Enforcement determined that Webcor did not appropriately monitor work performed by Pacific Data Electric, Inc. (PDE), a subcontractor to Webcor. In addition, Webcor did not ensure that PDE implemented applicable requirements of National Fire Protection Association (NFPA) 70E or that PDE performed work within the required work planning and control processes described in LBNL's Publication (PUB) 3000, *Environment, Health and Safety Manual*. PUB 3000 is invoked by the LBNL Worker Safety and Health Program and referenced in project bidding process documents Exhibit F, *LBNL Project Bidding Manual* and Exhibit M, *Construction Pre-Start Requirements*. Additionally, under 10 C.F.R. Part 851, *Worker Safety and Health Program* (Part 851), contractors are held responsible for the acts of their employees in the conduct of activities at covered workplaces. LBNL construction subcontractors must develop a daily Pre-Task Hazard Analysis (PTHA) for the tasks to be performed each day in accordance with PUB 3000. PDE prepared a PTHA for the work to be performed by its employees on November 19, 2013.



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However, Webcor did not ensure that the PTHA documented the duties assigned to the PDE apprentice, the potential hazards, and the safety controls related to the activity as required by PUB 3000.

Subsequent to the shock event, Webcor promptly developed and implemented corrective actions that included designating a lockout/tagout (LOTO) Administrator to: (1) reinforce the implementation and tracking of LOTOs and energized electrical work permits; (2) monitor LOTO boundary zones in effect and signage; (3) coordinate new worker and vendor orientation; (4) conduct weekly meetings with its subcontractors; and (5) ensure that PDE develop and submit a re-start plan for the safe completion of work. During the enforcement conference, Webcor representatives stated that the company's lack of familiarity with or inconsistent application of safety requirements was attributable to inadequate communication of LBNL safety policies and procedures for project bidding contractors. Despite the regulatory issues associated with Webcor's responsibilities related to this event, the Office of Enforcement has elected to exercise enforcement discretion based on the company's recognition of these issues and the corrective measures to prevent recurrence. DOE will continue to closely monitor Webcor's worker safety and health performance for compliance with requirements enforceable under Part 851.

No response to this letter is required. If you have any questions, please contact me at (301) 903-2178, or your staff may contact Mr. Kevin Dressman, Director, Office of Worker Safety and Health Enforcement, at (301) 903-0100.

Sincerely,



Steven C. Simonson
Director
Office of Enforcement
Office of Enterprise Assessments

cc: Kimberly Budil, UC
Paul Golan (Acting), BSO
Bill Wells, LBNL
Kairee Tann, Webcor Builders