

2010 PROGRESS REPORT



HANFORD
CONCERNS
COUNCIL

An independent, non-profit partnership of safety advocates and participating Hanford contractors.

Case and Advisory Activities 2007–2009



Introduction

This report covers the three years since the Council's last progress report in 2007. The Hanford Concerns Council's mission is to resolve complex cases involving employee concerns about safety, health, or the environment involving their work for contractors at the Hanford Nuclear Site. By resolving individual concerns using a non-adversarial process and advisory activities, the Council contributes to a strong safety culture at the Hanford site. It provides participating contractors and their employees, as well as advocacy groups, a constructive alternative to the highly contentious, public, protracted and expensive cases that historically have emerged from unattended complex concerns. Even in recent years, there are examples of such concerns that have not been in Council jurisdiction costing the government millions of dollars, and depriving the site of the services of many managers and employees, as well as many man-months of productive clean-up work. The Council was established as an independent non-profit organization by agreement of Hanford Challenge, participating contractors and the Department of Energy to handle concerns that are too polarized or complex for internal concerns processes and has four goals:

- To reach solutions that address safety issues and related factors, while avoiding painful and costly litigation or protracted, contentious administrative appeals
- To minimize and repair disruption of workplace relationships, and return concerned employees to the workplace in a productive role, with mutual trust restored and fears of retaliation eliminated



- To prevent unneeded diversion of worker and management attention by ensuring that the resolution process is constructive and focused on problem solving rather than contentious, adversarial, and tense
- To advise senior managers periodically on trends or issues at the site that may affect safety, health, or the environment

The Council pursues these goals through respectful interactions and careful exploration of issues that have given rise to an employee's concerns. Council resolution of individual concerns reflects consensus among its members, who include senior contractor managers, recognized worker advocates, and neutral members. The consensus process ensures a thorough assessment and a stable outcome that respects the site mission, worker safety, and a fair and safety-conscious work environment.

"The safety and health of our employees continues to be the Department's highest priority. Every day, our cleanup workers across the nation address hazards not found in any other industry, and they must have confidence that health and safety concerns will be taken seriously and resolved. I applaud the Council's ability to provide timely, cost effective, and sustainable solutions that recognize the dedication and value of our employees."

***Ines Triay**, Assistant Secretary
US Department of Energy
Office of Environmental
Management*



An Alternative Approach to Resolving Concerns

The Council is available to any employee of a participating contractor company whose health, safety, or environmental concern has not been or appears unlikely to be resolved through the chain of command or existing employee concerns programs. It offers a less costly, non-adversarial alternative to administrative appeals or litigation. Such adversarial forums often escalate the visibility and scope of the conflict, raise the emotional and financial costs of resolving a concern, and divert attention and resources away from cleanup. The Council lowers the temperature in conflicts that may have arisen as a result of a safety concern, and is able to focus all parties on working together on a constructive resolution.

Despite the efforts of mid-level managers and employee concerns officers, employees in complex cases may feel that their concerns have not been fully heard. The Council's resolution process starts with hearing and understanding the full range of an employee's concerns. This provides an opportunity for direct communication between senior managers and the concerned employee that can lead to real-time responses. Building from there, the Council conducts a fresh review of the situation, applying a range of tools and with access to data and high level managers who are well-positioned to help solve problems and implement solutions.

Unlike adversarial forums for resolving disputes, the Council focuses on preserving an employee's career progress and resolving the underlying issues that gave rise to the dispute. Instead of seeking to assign blame, the process focuses on addressing the underlying safety, health, or environmental concerns and fostering shared goals for a safety-conscious workplace. The Council's process allows for a patient untangling of a complex set of technical, historical, and interpersonal communication issues and addresses them strand by strand until resolution is reached.

The Council's process also saves everyone from diversions of resources that can detract from the safe cleanup of the site. Traditional avenues of administrative appeals and litigation channel time and resources into defending past actions rather than focusing on future outcomes. Such approaches are emotionally draining for employees, expensive in terms of legal fees and management time, and costly in terms of public perceptions of Hanford, particularly if conflicts



escalate via the media. These diversions of resources can detract from the safe cleanup of the site. The Council, by contrast, commits time and energy to restoring trust and improving safety.

More information about bringing concerns to the Council and the steps toward resolution are available at www.hanfordconcernscouncil.org/doc/bring.htm.

Bringing Together Multiple Perspectives

Because of the unique charter agreement between employee advocates and contractors, the Council's balanced membership includes contractors' senior management, worker advocates, and neutral members. These differing perspectives allow the Council to view concerns and issues from a number of different vantage points:

- Contractor representatives bring expertise related to the site and its cleanup, including technical and strategic knowledge of the site and the Department of Energy (DOE) complex. As the Council works toward case resolution, contractor members help to identify a range of possible solutions and ways to implement them.
- Worker advocates also bring technical expertise, including information about safety practices at other sites and extensive knowledge of Hanford's history. Advocates have existing relationships with workers and their networks and are able to reach out to this constituency. They create a channel of candid communication with the employee throughout the process and often refer cases to the Council that might otherwise end up in an adversarial forum.
- Neutral members bring a track record of experience in problem solving from a variety of management, technical, labor, public service, or academic settings. Neutral members play a balancing role, helping everyone to step back and see the key interests involved and the opportunities for resolution.

"The Hanford Concerns Council has an outstanding track record of resolving issues that previously no one could solve. It is an essential element of the site's safety programs, and it has greatly benefited workers and the Hanford area. It has also helped DOE and the contractors stay focused on their mission and on community safety."

*Chris Gregoire,
Governor
State of Washington*

Council Members and Affiliations*

Jonathan Brock, Chair	Neutral	University of Washington
Cris Spieth, Vice Chair	Neutral	Service Employee Int'l Union, Local 6 - Retired
Tom Carpenter	Advocate	Hanford Challenge
Timothy Connor	Advocate	Center for Justice
Angela Day	Neutral	Snohomish Planning Commission Member and business owner
William T Dixon	Contractor	Washington River Protection Solutions
Ryan Dodd	Contractor	Washington Closure Hanford
Ella Feist	Contractor	Washington Closure Hanford
Dana Gold	Advocate	Independent Consultant
Edward Kennedy	Contractor	Washington River Protection Solutions
William A Kitchen	Contractor	Washington River Protection Solutions
Todd Martin	Advocate	Independent Consultant
Max Power	Neutral	Washington State Dept. of Ecology - Retired
Ray Skwarek	Contractor	Washington Closure Hanford
Harry Thomas	Neutral	Seattle Housing Authority - Retired

More information about Council members and their backgrounds is available at www.hanfordconernscouncil.org/doc/members.htm.

* This table and report reference activities, organizations and positions during the period 2007-2009.

Although members bring different perspectives, expertise, and backgrounds, they share a common allegiance to the Council's mission and goals. Each commits to strict rules regarding confidentiality and to working together in good faith toward consensus. Any Council member who has had previous involvement in a situation formally steps aside during consideration of the matter.

Trust and mutual commitment to the Council's goals are self-reinforcing. Participating contractors commit ahead of time to "presumptive implementation" of consensus recommendations, placing their confidence in the integrity of the process and the players.

The Council and Other Resolution Forums

The Council is one of many forums at Hanford for addressing safety, health and environmental concerns, but it has been chartered with a more flexible toolkit that can cover the broad range of issues and barriers often found in the most complex cases. In addition to the Council, workers who are unable to resolve concerns through their chain of command can access company and DOE employee concerns programs and the US Department of Labor. These processes will normally defer to the Council if an employee subsequently decides to make use of the Council. The Council always defers to collectively bargained processes. Similarly, claims that a worker's health has been affected by work at the site are addressed by the state Department of Labor and Industries and through programs such as Energy Employees Occupational Illness Compensation Program Act (EEOICPA). The Council can address aspects of a concerns situation that are separate from these health effects compensation or collective bargaining forums. The Council, as the law requires, leaves the determination of eligibility for health benefits to the appropriate agencies.

The Council is often able to provide assistance to employees by referring them to the programs above or to other applicable programs, sometimes to handle parts of their case. The Council can often help ensure that employment or incident data, or other information pertaining to an employee's safety, health, or environmental concern is available for review by the appropriate agencies.



The Council's Recent Track Record

Council achievements since its re-establishment in 2005 include: successful case referrals and resolutions, expanded access to workers across the site, and contributions toward identifying safety systems improvements.

Formally opened and resolved cases	12
Formally accepted open cases	2
Cases resolved by informal resolution and referral	4
Cases not accepted or referred to another forum	15
TOTAL	33



“Litigation of complex issues is inevitably time-consuming and expensive, and can divert attention and resources from the Department’s mission. The Council provides a valuable alternative forum for addressing such issues, and its special assessment and mediation tools may help find a practical and workable solution that addresses both the employees’ and the Department’s concerns.”

Scott Blake Harris,
*General Counsel
United States Department
of Energy*



Resolving Complex Cases

The Council has resolved several complex and challenging cases in the three years since its last report. These cases were complex in terms of the technical and historical problems that gave rise to the concerns, and they were challenging in terms of their effects on individual workers and the workplace. They involved a mix of workplace health and safety concerns, and often included allegations of retaliation.

As each individual case required, the Council used a combination of tools to unravel these factors. The Council was able to:

- Ensure that an employee’s full set of concerns was heard, understood, assessed and addressed
- Collect data and interview employees and managers who often had knowledge of the situation
- Stabilize the situation to avoid escalation; avoid further misunderstandings, tension, or diversion of attention from clean-up while the situation was assessed and resolved
- Address any immediate safety issues, as well as address systems issues or practice issues
- Protect against unwarranted impacts on a worker’s career trajectory and restore workplace relationships and trust



- Gain the cooperation of existing programs or resources to help address the issues.
- Develop focused solutions specific to the issues

The Council applies an appropriate combination of the tools outlined above to craft a solution that fits the unique circumstances of each inquiry and case. When necessary, the Council has the flexibility to develop creative new solutions if existing tools are not sufficient.

Inquiries and cases brought to the Council require differing levels of action. Some situations require immediate stabilizing action to prevent further escalation. Others require some adjustment in the way information is exchanged and assessed between employees and managers or other parts of the company. At times, the actions include changes in systems or practices. Restoration of relationships and trust needed for productive work are important aspects of resolution. Time is taken to ensure that the concern is fully explained to the Council and thoroughly assessed. A case plan is developed after the initial assessment so the Council and the employee understand the issues and can address the concern. The Council uses the tools appropriate to the situation and develops a recommendation for resolution.

“The Council is an independent and effective forum for employees who have no other place to turn. Council members listen, and act with integrity to resolve the concerns of Hanford workers. This includes untangling and resolving allegations of unfair treatment, as well as tackling the underlying safety, health, security or management concern raised by the employee. We act to protect people from the fear or actuality of losing their jobs or careers for raising safety issues, and try to make Hanford a more effective and safer place to work.”

***Tom Carpenter**, Executive Director, Hanford Challenge*



“Worker safety at Hanford matters to all of us, and ensuring a safe work environment has been one of my top priorities. The Council provides an independent means of resolving difficult health and safety concerns, and as cleanup moves forward at Hanford, the Council has been a proven resource.”

Patty Murray
United States Senator

Managing Transitions

In 2008, the tank farm contract changed from CH2M HILL to Washington River Protection Solutions (WRPS). Washington Closure Hanford (WCH) and its contractors also joined the Council, giving an additional 850 employees access to this alternative forum for resolving concerns and underscoring their commitment to the safe cleanup of the site. In early 2010, the new contractor, CH2M HILL Plateau Remediation Company (PRC), joined, making the Council available to its 3050 workers. (The PRC corporate members are listed at www.hanfordconcernscouncil.org. The other non-corporate members previously listed serve on any PRC cases that come before the Council, along with these corporate members.)

The Council was in the midst of resolving several existing cases in 2008 when WRPS replaced CH2M HILL as the contractor responsible for the tank farms. The CEO and senior management of WRPS maintained the commitment to the Council and, most importantly, to the employees and advocates who placed trust in the Council to resolve the cases in progress. Serving the employees of more than one contractor has offered the Council opportunities to learn about technical challenges, worker protection practices, safety culture issues, and responses among contractors and across the site.

“I appreciate the Council’s ability to handle the few cases that cannot be addressed through our other programs. It is critical to me and the Department that we have multiple avenues that are effective, and ensure that every employee has the opportunity to have their concerns addressed. Although our internal systems are strong, some situations simply require the fresh outside perspective that the Council provides.”

Shirley Olinger,
*Manager, US Department
of Energy Office of River
Protection*



Supporting DOE Goals for Safe and Efficient Cleanup

The Council helps to further DOE's goals for site cleanup by serving as a forum for building trust between workers and managers and encouraging constructive feedback—key elements of a safe work environment. In turn, DOE support at both the local and the federal level is essential to the continued commitment of contractors, worker advocates, and workers to the Council process.

Both DOE-Office of River Protection (DOE-ORP) and the DOE Richland Operations Office (DOE-RL) support the contractors' commitment to the Council charter. Each DOE office provides an ex officio member to the Council. Although ex officio members do not participate directly in case resolution, they often play a central role in implementing consensus recommendations of the Council and in helping the Council's unique and customized processes work within the DOE system. DOE support has been essential to sustaining and expanding the availability of Council services.



Fulfilling an Advisory Role

In addition to the Council's chartered role in resolving individual health, safety, and environmental concerns, it also fulfills an advisory role. Although case resolutions are "presumptively implemented" by contractors, the Council's advisory function is less formal. Advice is offered from time to time, by consensus, and includes analysis based on lessons learned across a number of case resolutions. The Council may offer suggestions for improving systems or practices, or it may facilitate scientific and technical reviews. These activities provide a forum for study, dialogue, and solution-seeking related to safety, health, and environmental issues and practices. Because issues to be addressed through the advisory role can be raised by either contractors or worker advocates, the Council serves a broad constituency of players who can affect outcomes at the site. Advisory input is offered to the appropriate contractor or site officials.

"I didn't know where to turn, or who I could talk to. I didn't think anyone could help me out of that situation and make things safe without harming my career. But the Council did it, and showed me how I could help my own situation."

Employee who used the Council process



Applying Lessons Learned

Each case that comes before the Council is unique, but over time, patterns have emerged that can shed light on systemic problems or challenges. Here are some highlights of systemic improvements that have resulted from applying lessons learned over the past three years.

Identifying systemic safety issues. Despite the best efforts of managers, communication about the importance of safety amid pressure to meet cleanup milestones can lead to confusion about work practices and priorities. The Council's work on individual cases has brought to light areas needing improvement such as management responses to concerns raised through problem-reporting mechanisms, and the contractor's handling of employee requests for environmental exposure data. In addition, contractors have been able to address issues that might otherwise have remained undiscovered until serious disputes or incidents occurred. In other instances, contractors were able to correct the root cause of prior incidents identified in the Council's blame-free problem solving process.

Strengthening communication between managers and workers. Workers in the field are an excellent source of insight and solutions to problems. When they believe their questions or concerns are being ignored or discounted, they become less willing to make suggestions and ultimately their trust and commitment decline. By reestablishing communication between managers and workers, the Council has helped restore the confidence of valued employees as well as strengthen management's commitment, leading to improved practices and more open approaches to communicating with other potentially affected workers.

Tracking data and making it available to workers. The Council has discovered that workers often face challenges in obtaining data related to their potential exposures to hazardous chemicals, both at the time of a specific event and across time and contractors. Employees need such data to access programs and benefits to which they may be entitled. Without it, they may be unable to obtain the appropriate healthcare or work restrictions, or gain peace of mind from learning accurately about exposures or lack thereof.

The Council has often been able to overcome systemic blockages to data access, particularly if a worker has been in a conflict over concerns. Nevertheless, significant systemic problems remain. Both contractors and DOE recognize the importance of addressing this problem and have found more ways to make data available.

Improving the speed and clarity of the resolution process.

In some instances, DOE review and approval are needed before actions can be taken on a Council recommendation to resolve a concerns case. A protracted review process can unravel the goodwill achieved in bringing a case to closure. Recognizing that there have been delays in the past that have threatened to undo the valuable resolution work, the Council, contractors, and worker advocates are working with DOE to develop a more predictable and efficient final review process.

"The Council provides a valuable alternate dispute resolution process that helps maintain a strong and open safety culture at the Site."

*Dave Brockman, Manager
US Department of Energy
Richland Operations*

Reviewing the Proposed Chemical Vapor Management Strategy

As an example of the advisory role, at the joint request of Washington River Protection Solutions (WRPS) and Hanford Challenge, the Council facilitated a review of WRPS's proposed Tank Farm Chemical Vapor Management Strategy. The strategy employs a complex, statistically-based analysis of the potential for worker exposures in tank farms to implement industrial hygiene protection practices. The Council selected and retained, by consensus, two nationally known industrial hygiene experts to conduct the review, focusing broadly on risk assessment, management, and communication.

An earlier phase of the review, conducted during CH2M HILL's tenure, concluded that the methodology for developing the technical underpinnings of the management strategy was consistent with industry best practices for setting Acceptable Occupational Exposure Levels. But the earlier reviewers also questioned whether the source and exposure sampling data adequately addressed uncertainties about the variation and potential maximum concentrations of hazardous constituents in both tank headspaces and worker breathing zones.



Given the complexities of the tank farms, the reviewers then recommended a more conservative approach to key assumptions and decisions points. WRPS has implemented most of those recommendations and committed to incorporate a more robust sampling approach into their management strategy.

During the second phase of the review, the industrial hygiene experts met with WRPS industrial hygienists, technicians, and other workers. As a result of several in-person and teleconference discussions with the independent experts, WRPS industrial hygienists revised their strategy and practices during the course of the review. At the end of this phase, the independent experts recommended implementation of an American Industrial Hygiene Association practice that establishes similar exposure groups (SEG's), so that workers' exposures can be tracked through time according to their particular tasks and work locations. The experts also recommended a revised statistical approach to sampling for vapors and analyzing samples that will increase confidence that maximum potential exposures have been captured. In addition, the experts recommended more consideration of engineering controls to capture or divert vapors during waste-disturbing activities.

Conducting this review process through the Council forum has allowed WRPS and Hanford Challenge to discuss improving industrial hygiene practices in practical ways that enhance worker safety. Neutral facilitation by the Council allows the parties to rely on a set of mutually selected experts rather than having separate experts evaluate the data independently, which can lead to conflict over both data and policy implications. The Council's balanced membership and involvement in the process has fostered an atmosphere of collaboration and mutual understanding around complex technical and policy questions. (The report from the first phase of the review is available on the Council's web site, and the results of the second phase will be posted when they are available.)



Looking Ahead

The challenges of reducing the contaminated footprint of the Hanford site and treating 53 million gallons of tank waste will require continued cooperation and focus. To that end, the Council serves as a forum for identifying and seeking solutions to safety, health, and environmental issues that divert workers and contractors from that focus.

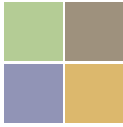
The Council has brought together parties who previously only talked past each other in the courtroom or about each other in the media. Learning from accidents or events and fixing systemic safety problems is difficult in a polarized atmosphere. If not for the Council's presence at the site, these parties might still be facing off instead of facing each other with common purpose and commitment.

Exemplifying its value, the Council has handled during the past three years, cases of employees who were initially angry, alienated, or mistrustful, but who now have returned to work with a positive attitude and a sense that they have strong management support. In other cases, the Council has successfully counseled safety-minded employees about effective rather than disruptive ways to bring about improved safety practices. Although it is not easily quantifiable, the level of trust among all parties has increased through repeated demonstrations of commitment to the Council's process. Implementing the lessons noted above will be important to maintaining that trust and continuing effective case resolution.

The Council is committed to resolving complex cases and fostering a safety-conscious workplace for all parties who face the challenges of cleaning up the Hanford site. The Council continues to resolve issues that otherwise would be likely to:

- Lead to time-consuming and costly litigation, whether or not the party bringing suit would ultimately prevail in court
- Result in skilled, concerned employees resigning or being terminated
- Cause busy managers to overlook important concerns or assume that they had been addressed by stated policies

The Council's continued effectiveness depends on the commitment of DOE, contractors and their senior leadership, and the strong voices in the worker advocacy community—all working within a problem-solving forum tailored to Hanford and the challenges of one of the most complex work sites in the country.



**HANFORD
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