



Department of Defense INSTRUCTION

NUMBER 4145.26
April 9, 2005

USD(AT&L)

SUBJECT: DoD Contractor's Safety Requirements for Ammunition and Explosives

References: (a) DoD Instruction 4145.26, "DoD Contractors' Safety Manual for Ammunition and Explosives," April 4, 1996 (hereby canceled)
(b) DoD Directive 6055.9, "DoD Explosives Safety Board (DDESB) and DoD Component Explosives Safety Responsibilities"
(c) DoD 4145.26-M, "DoD Contractors' Safety Manual for Ammunition and Explosives," current edition
(d) DoD 5025.1-M, "DoD Directives System Procedures," March 2003
(e) through (i), see enclosure 1

1. REISSUANCE AND PURPOSE

This Instruction:

1.1. Reissues reference (a) to implement the policies of reference (b).

1.2. Continues to authorize the publication of reference (c) consistent with reference (d), to provide uniform baseline safety standards for DoD contractors performing work involving ammunition and explosives. The use of reference (c) is mandatory as specified in the Defense Federal Acquisition Regulation (DFAR) Supplement (reference (e)).

1.3. Authorizes the Military Departments to apply their own selected ammunition and explosives and other safety standards to DoD contractors performing work at DoD facilities.

1.4. Provides guidance for implementing safety compliance responsibilities and authority cited in Memorandum of Understanding Concerning Army Government Owned-Contractor Operated (GOCO) Ammunition Plants between the Department of Labor (DoL) and the Department of the Army Acting for the Department of Defense (reference (f)).

2. APPLICABILITY AND SCOPE

2.1. This Instruction applies to the Office of the Secretary of Defense, the Military Departments (including their Reserve components), the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter referred to collectively as the "DoD Components"), and to operations conducted under contract at both DoD- and contractor-owned facilities.

2.2. Responsibility for compliance with the safety and health standards (29 CFR part 1910, reference (g)) remains with the contractor (prime or sub). The U.S. DoL shall enforce those standards, except as defined by special agreement with the Department of Defense. The DoD Components usually enforce safety standards unique to ammunition and explosives at GOCO Ammunition Plants (reference (f)).

3. POLICY

The Department of Defense shall prescribe and enforce ammunition and explosives safety standards in reference (c) for work performed under DoD contracts. The objective is to reduce the potential for, or affects of mishaps that may disrupt or delay DoD operations or projects, damage DoD material and/or equipment, injure DoD personnel or endanger the public.

4. RESPONSIBILITIES

4.1. The Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)) shall oversee the DoD contractor's safety requirements for ammunitions and explosives.

4.2. The Heads of the DoD Components or their authorized designees, shall:

4.2.1. Ensure contracting officers reference or incorporate within contract, mandatory ammunition and explosives safety clauses of reference (e) for applicable work done by contractors, whether facilities are DoD- or contractor-owned. For contractual work performed on DoD-owned facilities, the DoD Components may also apply their own selected ammunition and explosives and other safety standards and procedures to DoD contractors by inclusion within contracts.

4.2.2. Require effective safety provisions in ammunition or explosives contracts. Contracting officers shall coordinate with appropriate safety departments/offices to develop safety requirements for contracts involving ammunition and explosives.

4.2.3. Require a pre-award investigation or survey of the offeror's operations and/or facilities for all contracts involving ammunition or explosives to ensure offeror can comply with applicable ammunition and explosives safety standards.

4.2.4. Require waiver, exemption, and site and construction requests for DoD-owned facilities be processed in accordance with DoD 6055.9-STD (reference (h)), as implemented by the appropriate Military Department regulations. Process requests for contractor-owned, contractor-operated facilities and/or operations in accordance with reference (b) and Subpart 223.3 of reference (e).

4.2.5. Coordinate and cooperate with the DoL to monitor compliance with safety and occupational health standards (reference (g)). The DoD Components shall develop and implement procedures to monitor the contractor's compliance with contractual ammunition and explosives safety requirements, and ensure the contractor accomplishes timely and adequate corrective actions.

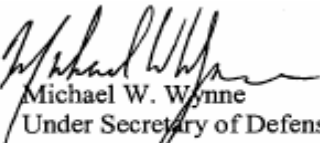
4.2.6. Assess the validity of contractor safety investigations when a mishap delays scheduled delivery of the DoD product, damages DoD-furnished equipment or material, or injures DoD employees or the general public. Additional guidance on accident investigations is found in reference (b) and DoD Instruction 6055.7 (reference (i)). When necessary, conduct a separate safety investigation to ensure accurate and impartial findings and recommendations.

4.2. The Secretary of the Army or designee, shall ensure the Joint Ordnance Commanders' Group Ordnance Safety Subgroup reviews the U.S. DoL safety policies in reference (f); the provisions of reference (b); reference (e); and this Instruction at least annually to ensure compatibility and currency.

4.3. The DoD Explosives Safety Board shall, in conformance with this Instruction, maintain and update, under the signature of the USD(AT&L) reference (c).

5. EFFECTIVE DATE

This Instruction is effective immediately.



Michael W. Wynne
Under Secretary of Defense
(Acquisition, Technology and Logistics)

Enclosures-1

E1. References, continued

E1. ENCLOSURE 1

REFERENCES, continued

- (e) Defense Federal Acquisition Regulation Supplement, Subparts 223.3 and 252.223-7002, 252.223-7003, current edition
- (f) Memorandum of Understanding Concerning Army GOCO Ammunition Plants Between the Department of Labor and the Department of the Army Acting for the Department of Defense, November 6, 1978.
- (f) Part 1910 of title 29, Code of Federal Regulations, "Occupational Safety and Health Standards," current edition
- (g) DoD 6055.9-STD, "Ammunition and Explosives Safety Standards," current edition
- (h) DoD Instruction 6055.7, "Mishap Investigation, Reporting and Recordkeeping," current edition