
Bühler Environment Health & Safety (“EHS”) Minimum Requirements

1. Introduction

The Buyer shall have overall responsibility for the Site with regard to EHS and must meet the EHS related requirements/obligations noted in this document and/or required by applicable law. If Buyer fails to fulfil obligations and/or requirements from this document, Seller shall have the right, in its sole discretion, to interrupt performance of the Agreement and remove its employees and subcontractors from the Site. Seller shall not be required to return to the Site until Seller determines, in its sole discretion that the Site complies in all aspects with the EHS Minimum Requirements. Seller shall receive an extension of the performance dates in the Timetable and an increase to the Purchase Price to compensate Seller for the additional costs and expenses (including Seller’s markup on such costs and expenses) incurred by Seller due to Buyer’s failure to comply with the requirements of this document.

For the avoidance of doubt the Buyer shall cause its subcontractors working on the Site to fulfil the obligations and/or requirements defined in this document.

2. Minimum EHS obligations of the Buyer

2.1 Principles of prevention

At a minimum, the Buyer shall observe the following general principles of prevention.

- a) 10 mandatory Life saving rules of Bühler
- b) Avoid risks by substituting dangerous with non-dangerous procedures.
- c) Evaluate unavoidable risks.
- d) Combat risks at source.
- e) Adapt work to the individual, especially the design of places of work.
- f) Adapt the place of work to technical progress.
- g) Replace dangerous articles, substances, or systems of work by non-dangerous or less dangerous articles, substances, or systems.
- h) Use collective protective measures over individual measures.
- i) Develop an adequate prevention policy.
- j) Give appropriate training and instruction to employees.

2.2 Construction phase plan and health and safety file

On request the Seller shall make available to Buyer Seller’s EHS plan, which shall include (method statements on request) risk assessments relevant to the Seller’s scope of supply, at least one (1) month before Seller’s personnel are due to mobilize on Site. The Seller’s EHS plan should then be integrated by the Buyer’s health and safety officer/consultant into an overall construction phase plan prior to Seller’s personnel beginning work on Site. The construction phase plan must set out the health and safety arrangements, Site rules and specific measures concerning any work involving the particular risks noted below (list not exhaustive):

- Work which puts workers at risk of burial under earth falls or falling from a height.
- Work which puts workers at risk from chemical or biological substances constituting a particular danger to the safety or health of workers or involving a legal requirement for health monitoring.
- Work near high voltage power lines.
- Work exposing workers to the risk of drowning.
- Work involving underground earthworks and tunnels.
- Work in an environment with an elevated risk of explosion.
- Work involving the assembly or dismantling of heavy prefabricated components.

Throughout the project, the Buyer must ensure that the construction phase plan is appropriately reviewed, updated and revised from time to time so that it continues to be sufficient to ensure that construction work is carried out, so far as is reasonably practicable, without risks to health and safety.

2.3 General EHS obligations of Buyer site-based staff

All Site-based staff:

- Must report any safety hazard noticed on site or malfunction of any item of tool or plant immediately to the Site Manager or person in charge of EHS, who will forward it to the central EHS organization.
- Must avoid any improvisation of any form, which could create an unnecessary risk to their personal safety and the safety of others.
- Must maintain all tools and equipment in good condition and report defects to their Supervisor immediately when they occur.
- Must take care that access equipment is maintained in good order, must check ladders, crawling boards, trestles etc., for defects prior to use.
- Must report all near-misses and accidents to the Site Manager, whether injury is sustained or not.
- Must not obstruct, remove or damage any guard, warning device, fire-fighting equipment, evacuation-appliance, item of welfare or item of first aid.
- Must only operate machinery, plant or equipment in accordance with the appropriate operating instructions.
- Must only handle and use hazardous substances in line with the appropriate manufacturer's or the company's instructions.
- Must observe all relevant traffic controls when on the construction Site.
- Must not attempt any electrical repairs or maintenance to any machinery, plant or equipment unless qualified and authorized to do so. Any electrical faults must be reported to the Site Manager immediately.
- Must never smoke in designated "No Smoking" areas or consume any kind of drugs and alcohol.

2.4 Installation Site Conditions

The Buyer shall observe the principles defined in the previous Clause 2.3 as follows:

2.4.1 Access Regulation

There must be suitable and safe access and egress from every place construction/installation work is being carried out to every other place to which workers have access within a construction/installation Site. Where necessary in the interest of EHS, a construction/installation Site must have its perimeter identified by suitable signs and be fenced off.

2.4.2 Welfare Facilities

Suitable and sufficient sanitary conveniences and washing facilities (consisting of separate rooms for men and women in European standard), including showers if required by the nature of the work or for health reasons, must be provided or made available at readily accessible places by the Buyer. Washing facilities must include a supply of clean hot and cold, or warm water (which must be running water so far as is reasonably practicable), soap or other suitable means of cleaning and towels or other suitable means of drying.

An adequate supply of drinking water (in European standard) must be provided or made available at readily accessible and suitable places.

Canteen or similar facilities should be provided which allows site staff to prepare and eat meals. In these facilities high hygiene standards for cleanliness, purity and cooling of foodstuffs must be maintained and formation of legionella must be avoided. Buyer is under the obligation to verify the hygiene standard on a regular basis.

2.4.3 Energy/Electricity Distribution

Energy distribution installations must be suitably located, periodically checked and clearly marked. Where there is a risk of working near overhead electric power cables they must be diverted away from the area of risk; or the power must be isolated (switched off) and, where necessary, earthed.

Suitable warning notices must be provided. Installation or construction work which includes a risk to health or safety from an underground service, or from damage to or disturbance of it, must not be carried out unless suitable and sufficient steps have been taken to prevent the risk.

All electrical appliances used on Site have to be:

- installed and approved by qualified electricians.
- protected by RCD for all sockets according local regulations.

- connected to electrical systems by means of correct sockets and plugs which comply with national standards properly protected from adverse weather conditions.
- properly supported above head height and not allowed to trail along floors or stairways.
- repaired or maintained only by qualified electricians

2.4.4 Working Conditions

Suitable and sufficient steps must be taken to ensure that during working hours the temperature at an installation Site that is indoors is reasonable having regard to the purpose for which that place is used.

Where necessary on an installation Site that is outdoors, the installation Site must, so far as is reasonably practicable, be arranged to provide protection from adverse weather.

In the absence of sufficient natural lighting, artificial lighting sufficient for the safe execution of the task in hand should be provided.

2.4.5 Safe Storage

Materials and objects should be stored and stacked in such a way that they are not likely to fall and cause injury. Racking should be of adequate strength and stability taking weight and nature of the load into account. The following minimal rules and main elements have to be implemented regarding the storage of hazardous materials (list not exhaustive):

- storing chemicals according to the manufacturer's instructions on the safety data sheet
- keeping the minimum quantity of hazardous substances necessary
- storing incompatible substances separately
- preventing release or leaks
- training employees to store and handle hazardous substances properly
- labelling storage containers properly
- storing flammable substances in suitable containers away from sources of ignition, including boilers and heaters
- placing stores of liquid above ground where they're unlikely to be damaged, for example away from driveways
- procedures for dealing with leaks are in place

2.4.6 Infrastructure

All practicable steps must be taken to ensure that the existing or new buildings (or parts thereof) within the installation Site, are structurally stable and safe at all times.

All temporary and permanent structures must be of such design and installed and maintained so as to withstand any foreseeable loads which may be imposed on it; and only be used for the purposes for which it was designed, and installed.

All temporary coverings¹ over openings/gaps/excavations should be capable of supporting the loads subject to be imposed upon them and any traffic which is subject to pass over them. They should be of a type which cannot be easily detached or removed and should not be susceptible to being easily or accidentally displaced. Temporary covers over openings noted on Seller's drawings within buildings must be capable of supporting as a minimum load equal to 3.0kN/m² or a point load equal to 3.0kN, whichever is more applicable based on a requirement to support personnel only. Equipment and building materials should not be stored on top of such temporary coverings and all such temporary coverings should be securely fixed and monitored regularly by the main contractor.

Secure fencing/barriers capable of resisting a lateral load equal to 1.0kN/m applied along the level of the handrail (located 1.1m above the datum level) must be provided in all locations of the installation Site where there is a risk of personnel falling from a height greater than 1.0m (a guard rail always consists out of hand-and knee rails as also a kickboard).

Suitable and sufficient steps must be taken to prevent any person or work equipment, from falling into any excavation. Every excavation or hole must be secured with rigid barriers and (if possible) covered by securely fixed sheets or boards of solid material as noted above. The main contractor must regularly monitor the condition of all such horizontal and vertical barriers.

Construction work can only be carried out in an excavation where sufficient (to ensure a safe working environment) supports or battering have been provided and also only if the excavation and any work equipment have been inspected by a competent person at the start of work or after any event likely to have affected the strength or stability of the excavation.

¹ qualified covers are metal plates

Suitable and sufficient steps must be taken to prevent any part of an excavation or ground adjacent to it from being overloaded by work equipment or material.

The construction Site must be organized in such a way that pedestrians and vehicles can move without risks to health or safety. Traffic routes must be suitable for the persons or vehicles using them. A traffic route is not suitable unless steps are taken to ensure that pedestrians or vehicles may use it without causing danger to the health or safety of persons near it.

When working in poor visibility conditions (e. g. darkness), the area must be adequately illuminated.

2.4.7 Installation/Construction Equipment

Suitable and sufficient steps must be taken to prevent or control the unintended movement of any vehicle. Where a person may be endangered by the movement of a vehicle, suitable steps to give warning from the movement of the vehicle must be taken by either or both the driver or operator of the vehicle, or where another person is directing the driver or operator. A vehicle being used for the purposes of construction work must be operated, (when being driven, operated or towed) in such a manner as is safe in the circumstances; and loaded in such a way that it can be driven, operated or towed safely.

All construction vehicles and equipment must be maintained in a safe condition and certified in accordance with relevant regulatory requirements and used only by personnel who have received specific training in their use.

Suitable and sufficient measures must be taken to prevent a vehicle from falling into any excavation or pit, into water or overrunning the edge of any embankment or earthwork.

Prior to taking any lifting equipment into service the Buyer must:

- ensure that the current Certificate of test is available in respect of any lifting equipment,
- ensure that the lifting equipment is erected in a proper and safe manner,
- ensure that the safe working load is clearly marked on the equipment,
- ensure that the weekly inspections are carried out and recorded,
- ensure a safe method of lifting and working is to be used before commencement, including the siting of any lifting equipment and to ensure that ground conditions are satisfactorily prepared,
- warn everyone in the vicinity before using lifting and moving equipment,
- ensure that no-one goes under the raised load, nor into a position where they risk injury if the load shifts,
- begin a lift by raising the load just enough to check the stability,
- ensure that the landing site can take the weight before setting down a load,
- train Buyer's staff in crane operations and rigging, and
- ensure that only trained staff may use a crane and/or a forklift.

When scaffolding has been erected and before it is taken into service, a competent person must inspect it to ensure that the scaffolding has been erected to a safe standard. Scaffold may only be used after the inspector has tagged the scaffold as 'released for use'. The tagging must be inspected on a weekly basis.

2.4.8 Housekeeping and Maintenance

Gangways and work areas must be kept clear and in a clean and tidy condition. Site and installation staff must clear up all rubbish, scrap, waste materials, any spillage or liquids in the work area as soon as is practicable. A dumping area must be installed in a non-smoking area and marked adequately.

Any maintenance work should only be done by those who received adequate information, instructions and training relating to that work. Equipment may need to be checked frequently to ensure that safety features are functioning correctly. The frequency at which equipment needs to be checked is dependent on the equipment itself and the risk involved.

A Health and Safety work notice board (EHS Corner) should be positioned in a prominent location on Site such as outside the canteen facilities so that all Site personnel can read it. The notice board should provide information covering the following topics:

- Project organization chart
- First aid notices
- Firefighting equipment notices
- Fire procedures
- Evacuation plan
- Insurance certificate
- Site EHS policy
- Risk Profile

- EHS Reports

2.4.9 First aid and Emergency Procedure

There must be suitably stocked First Aid Box(es) readily available on Site and an appointed person with specific first aid training to be in charge of first-aid arrangements. Buyer and/or appointed person with specific first aid training must restock the First Aid Boxes after use.

Suitable and sufficient arrangements for dealing with any foreseeable emergency must be made and implemented, and those arrangements must include procedures for any necessary evacuation of the Site or any part of it.

A sufficient number of suitable emergency routes and exits must be provided to enable any person to reach a place of safety quickly in the event of danger. An emergency route or exit and any traffic route giving access to it must be kept clear and free from obstruction and, where necessary, provided with emergency lighting so that it may be used at any time.

As far as necessary suitable and sufficient fire-fighting equipment must be provided and located in suitable places.