



**AMERICAN SOCIETY
OF SAFETY ENGINEERS**

1800 East Oakton Street
Des Plaines, Illinois 60018-2187
847.699.2929
FAX 847.296.3769
www.asse.org

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The Honorable David Michaels
Assistant Secretary
Occupational Safety and Health Administration
U. S. Department of Labor
200 Constitution Avenue, NW Room S2315
Washington, DC 20210

RE: ASSE Principles for I2P2 Rulemaking

Dear Assistant Secretary Michaels:

ASSE applauds you for beginning the challenging task of promulgating an injury and illness prevention program (I2P2) standard for the Occupational Safety and Health Administration (OSHA). Taking the first steps towards an I2P2 standard is a significant achievement of OSHA under your leadership.

As you know, ASSE has long called for an I2P2 standard. An appropriate I2P2 standard that causes employers to make systematic risk-based assessments of occupational safety and health hazards workers face in workplaces and establish a meaningful plan to address those risks reflects the way the best employers already manage risks. All employers should and can approach safety and health management in the same way the best companies do. If they do, ASSE believes a significant and positive shift in the way safety and health is managed and even enforced, as the principles we outline below indicate, can be achieved.

We urge you to make sure that the I2P2 standard that results from this process can achieve that promise of improving safety and health management in every workplace. To help see that goal is reached, our members have developed the following set of principles that a standard must contain if it is to succeed as intended. We urge you to consider these as a basis for the standard OSHA is now developing. As OSHA's rulemaking progresses, we will be using them to help guide our own engagement in that process.

ASSE Principle for Engaging
in OSHA I2P2 Rulemaking

1. An I2P2 standard must encourage a movement in this nation towards risk-based management of workplace hazards. A risk-based approach that is allowed to be effective within OSHA's enforcement capabilities can provide a basis for both OSHA and employers to move towards a more cooperative approach in addressing workplace hazards.
2. An I2P2 standard must recognize the need for involvement of both the employer and employee in establishing a safe workplace without diminishing or replacing the overall responsibility for the program by the employer.
3. An I2P2 standard should instill in workplaces a commitment to continual improvement and appropriate periodic review of the workplace I2P2.
4. An I2P2 standard will not succeed if the end-result is simply a reiteration of the General Duty Clause to cover hazards not specifically addressed in current OSHA standards.
5. A standard must address the qualifications of the individual charged by the employer with creating a workplace's I2P2. The complex operations and hazards that many large employers face will require a Certified Safety Professional (CSP). Many employers will be able to rely on a "competent person" if a more definitive understanding of "competent person" can be adopted by OSHA, such as

An appropriately competent person who, through experience and training, is able to identify actual and potential hazards, understand safe work practices, design and implement control strategies, and have demonstrated expertise in establishing and managing a safety and health program.

Small employers without significant risks can be exempt from this requirement. In every workplace, however, an I2P2 must identify the assigned authority responsible for taking appropriate action to address identified risks.

6. While all employers should be covered under an I2P2 standard, the standard must be scalable, reasonably flexible and responsive to the realistic capabilities and hazards of employers of all sizes and industry groups. For some very small employers, or light

hazard operations, if a one or two-page checklist of hazards with guidelines to control those hazards cannot meet the standard, the standard will have difficulty succeeding.

7. Federal OSHA should take into consideration the California I2P2 standard as a basis for a federal standard. In any case, states like California with an existing I2P2 standard should be exempt from a federal standard if their standard is at least as effective as the federal standard.
8. As much as possible, an I2P2 standard should be harmonized with the most widely accepted voluntary consensus standards governing safety and health program management in the private sector, including ANSI Z10 *Occupational Health & Safety Management System* and OSHAS 18000 *Occupational Health and Safety Management Systems Specification*, and efforts should be made to work with the standards development organizations responsible for those standards.
9. Appropriate training for OSHA inspection personnel that encourages cooperative as well as enforcement-directed interaction with employers will be needed to support the implementation and meaningful adherence to an I2P2 standard.
10. Withdrawing support for VPP is not consistent with the establishment of an I2P2 standard. Participation in VPP demonstrates that I2P2s are effective in addressing workplace risks and developing a shared employer and employee commitment to workplace safety and health. OSHA needs to utilize the experience of VPP employers as a resource for building other employers' commitment to an I2P2.

ASSE has appreciated your willingness to discuss with our members issues facing the occupational safety and health community. As much as might be possible during a rulemaking process, any opportunity you may have to discuss with them the importance of I2P2s to good safety and health management and how our members use I2P2s to help employers manage safety and health in their workplaces would be more than welcome.

In the coming months as this rulemaking progresses, ASSE looks forward to the opportunity to share with OSHA its members' perspectives on how best to advance occupational safety and health through an I2P2 standard.

Sincerely,

Darryl C. Hill, Ph.D., CSP
President