September 15, 2017

U.S. Department of Labor
OSHA Docket Office
Room N-3653
200 Constitution Avenue, N.W.
Washington, D.C, 20210
C/O David Hamil

RE: ASSE Comments on VPP Sustainability Docket No. OSHA-2017-0009

Dear Mr. Hamil:

The American Society of Safety Engineers (ASSE) is pleased to submit comments concerning the future direction of OSHA’s Voluntary Protection Programs (VPP); Docket No. OSHA-2017-0009.

ASSE is the world’s oldest professional safety society. Founded in 1911, ASSE represents more than 36,000 dedicated safety, health, and environmental professionals. Our members are experts in working with organizations to manage workplace safety and health in every industry, in every state, and around the globe.

ASSE commends OSHA’s efforts to solicit input on the future direction and sustainability of OSHA’s VPP Programs. Since the program’s inception in 1982, many employers have been recognized with VPP status for their exemplary safety and health management systems and prevention and control of workplace hazards. Employees have benefited from safer workplaces, fewer injuries and illnesses and reduced near-miss situations. To ensure that VPP continues to improve on these objectives and deliver benefits into the future, ASSE offers a response to the following questions posed by OSHA:

- What can OSHA do to enhance and encourage the efforts of employers, workers, unions and trade associations to identify and address workplace hazards through the VPP?
How can OSHA support increased participation in VPP while maintaining the integrity of the program and operating within the available resources?

- How can OSHA recalibrate VPP to enhance the efforts and engagement of long-term VPP participants?
- How might OSHA recalibrate Corporate VPP for greater leverage and effectiveness?
- How can OSHA further leverage participant resources such as the Special Government Employees (SGE)?

ASSE suggests three approaches for improvement:

- Reduce the administrative burden of VPP
- Increase the value proposition of VPP
- Provide VPP’s Special Government Employees with more support

Reduce the administrative burden of VPP

Achieving and maintaining VPP status requires a significant resource investment. Additionally, many companies implement other safety and health management systems (such as ISO 45000, ANSI Z10) to organize and demonstrate their safety and health processes, programs, and compliance. For these companies, it is difficult to justify extra resources for what may be viewed as a redundant program. A simplified process that reduces administration burdens on both the agency and the prospective VPP member may encourage broader participation, especially for the small business community.

- Utilize pre-visit questionnaires and electronic forms to simplify paperwork and visits.
- Create fit-for-use flexibility by using a simpler validation process for companies with existing safety and health management systems, and a more comprehensive validation process for companies beginning their journey to safety and health excellence.
- Develop a framework to accept companies’ existing documents (e.g. annual HSE plans, goals, targets, objectives) as equivalent to or instead of current VPP forms.
- Modify the VPP evaluation process to recognize the equivalency (full or partial) of third-party certified safety and health management system reviews.
- Use a risk-based approach to demonstrate conformance with VPP criteria rather than a comprehensive compliance inspection.
- Structure the recertification process to reduce on-site scope and time commitment (such as in an ISO audit). Use pre-audit submittals and targeted, risk-based on-site verification.
Increase the value proposition of VPP

The value proposition and cost benefit analysis are critical considerations for companies considering VPP participation. Given the likelihood of a surprise OSHA inspection, many companies will not find VPP’s limited enforcement exemption an adequate benefit for the costs involved in VPP certification. Creating additional benefits and positive recognition may increase participation.

- Focus on reducing participation costs, whether by reduced administrative burden as detailed above, or through refining the SGE program.
- Market the benefits of participation, such as: significantly safer work places, reduced workers’ compensation costs, a more engaged workforce, access to models of excellence and industry-wide best practices, cost avoidance, enhanced safety performance, new customers, and operational efficiencies.
- Create a platform for VPP leaders and champions from VPP Star companies to share their best practices and business results.
- Create tiers for VPP Star companies (based on length of time with VPP Star status, mentorship of small businesses, number of sites a company has with VPP, etc.) with corresponding recognition benefits (such as meetings with high-ranking OSHA personnel). Publicly identify exemplary actors and best practices.

Provide VPP’s Special Government Employees with more support

The SGE program represents an innovative opportunity for industry and government officials to work side-by-side in protecting America’s workforce. This aspect of VPP could be strengthened by a focused effort to expand the network of available SGEs.

- Post or otherwise routinely communicate SGE engagement opportunities and benefits. Utilize organizations such as ASSE to identify members to assist in program reviews and provide input to SGE training. Work with ASSE and other professional safety and health organizations to identify and develop a core pool of qualified individuals who are or can become qualified as SGEs and be available to perform program evaluations alongside OSHA reviewers.
- Recognize SGEs with letters of appreciation to employers, at national and regional conferences and with personal thanks from OSHA’s leaders.
- Provide funds to support SGE travel and expense for SGEs whose companies cannot fund participation.

Conclusion

ASSE commends OSHA for engaging in an initiative to improve the sustainability of VPP. In June 2017, we released our OSHA Reform Blueprint (attached), a proposal that details suggested priorities for updating OSHA’s approach to occupational safety and health.
initiative to strengthen VPP is synergistic with several of our suggestions. We requested an increased emphasis on a risk-based approach, which all VPP sites include through functioning safety and health management systems. We requested more third-party auditing opportunities, which strengthens VPP’s SGE component. Finally, we requested more opportunities for positive recognition and sharing of best practices, a foundational element of VPP that could be reinforced and expanded.

Thank you for the opportunity to provide input on the VPP sustainability initiative. We pledge our continued assistance in working with the Agency on this and the many other programs that keep America’s workers safe.

Respectfully submitted:

James D. Smith, M.S., CSP