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WHAT ARE THE VOLUNTARY PROTECTION PROGRAMS?

The Occupational Safety and Health Administration's (OSHA) Voluntary Protection Programs (VPP) are a group of programs that provide significant focus on the importance of safety and health in the workplace. It is a recognition program for those workplaces that have gone to extra lengths to not only meet the OSHA guidelines for effective safety and health management systems but also to exceed the OSHA standards wherever feasible. These workplaces have recognized that having a strong management commitment to safety and health includes involving active employee participation in all safety and health activities.

Having described what the VPP is, albeit in a very brief summary, no detailed description of the VPP would be complete without a brief history of workplace safety and health in the United States and a brief history of OSHA. We have come a long way in safety and health since the beginnings of the industrial revolution.

In the dark ages for workplace safety and health, workplace injuries and fatalities were considered part of the cost of doing business. Workplace illnesses were not even a major consideration. From the late nineteenth century to the early twentieth century there were no workplace safety laws or rules. It was the obligation of injured workers or their families to sue their employers for any remedy resulting from a workplace injury or fatality. To be successful in their suits, the plaintiffs had to demonstrate that the employer was at fault. This was hard to prove and most employees were unsuccessful in their suits.

Adding to this problem was the fact that there were no workplace safety standards for equipment or production methods. Equipment manufacturers did not build safety devices into their equipment. Even after OSHA was formed and started issuing

citations for machine guarding violations, a typical employer defense was that “if the manufacturer thought their equipment was unsafe they would have designed it with a guard.” Of course, the typical OSHA response was that the manufacturer was not using the equipment, and it was the employer of the operator that was responsible for the employee’s safety, not the manufacturer.

Compounding the issue was the fact that manufacturers were pushing for more productivity. Rather than considering the workers as valuable assets, they were typically considered as the equivalent of a raw material. There was a large immigrant population that was looking for work that represented a boundless resource pool of new workers. The tide began to change in the early 1900s. New York passed the first state workers’ compensation law in 1910 that defined the compensations for specific injuries at a predetermined amount. This also made it easier for the employee to receive injury compensation and resulted in additional expenses for the employer. Other states followed New York’s example, and by 1921 several other states passed their own workers’ compensation laws.

The resulting increase in the cost of workplace injuries caused concern among employers, and they began to pay more attention to reducing injuries and fatalities. They worked with equipment manufacturers to design safety devices for their equipment and began providing their employees with protective devices such as personal protective equipment including hard hats and safety glasses. In 1913, a group of employers formed the National Safety Council to address workplace safety issues collectively. The same year the U.S. Department of Labor was formed. This may be considered as the start of the modern safety revolution in the United States.

These efforts to focus on reducing the number of workplace injuries and their related costs were greatly successful. From 1901 to 1944 the fatality rates decreased from 0.40 to 0.13 per million work hours. For the same period, the injury rates decreased from 44.1 to 11.7 per million work hours. Between 1912 and 2005, unintentional injury deaths per 100,000 population were reduced 51% [after adjusting for the 1948 sixth revision to the World Health Organization’s (WHO) International Classification of Diseases and other causes of unintentional death] from 82.4 to 38.1. The reduction in the overall rate during a period when the nation’s population tripled has resulted in significantly fewer people being killed due to unintentional injuries than there would have been if the rate had not been reduced.¹

These successes do not tell the whole story however. In addition to the individual losses, one must also consider the major workplace tragedies that the United States has experienced. These include:

- Over 5000 American deaths during the construction of the Panama Canal
- The 148 workers killed in the Triangle Shirt Waist Factory in New York City on March 26, 1911, mostly young immigrant women and girls
- The 25 workers killed on September 3, 1991 while working at a chicken processing plant in Hamlet, North Carolina
- And, most recently, the 15 workers killed and over 100 injured as a result of the March 25, 2005, explosion at the BP refinery in Texas

These are just a few of the catastrophes that have occurred. Clearly, we still have a long way to go!

FORMATION OF OSHA

The U.S. Congress passed the Walsh–Healy Public Contracts Act in 1936. One section of that act defined specific requirements for workplace safety and health for all federal public contracts. That eventually led to the passage by President Richard Nixon on December 29, 1970, of the Occupational Safety and Health (OSH) Act, Public Law 91-596. The purpose of that act was to “assure safe and healthful working conditions for working men and women.” The Department of Labor created the Occupational Safety and Health Administration (OSHA) on April 28, 1971, to administer the OSH Act.

Although OSHA is primarily a regulatory agency with responsibility for enforcing the numerous safety and health standards using inspections, citations, and penalties, the act also empowers the Department of Labor through OSHA to encourage “employers and employees in their efforts to reduce the number of occupational safety and health hazards at their places of employment, and to stimulate employers and employees to institute new and to perfect existing programs for providing safety and healthful working conditions.”² The act also encourages “joint labor–management efforts to reduce injuries and disease arising out of employment.”³

OSHA has acted on these empowerments to create a group of voluntary compliance partnership programs to assist those workplaces that have expressed a desire to demonstrate their commitment to providing a safe and healthful workplace and to work with rather than against OSHA toward that goal. This is significant because it demonstrates that OSHA is not just the regulatory agency it is usually perceived as, but it is also interested in assisting workplaces to improve their safety and health management systems.

The first and foremost of these partnership programs is the Voluntary Protection Programs (VPP). These are a group of three programs that were created in 1982 to provide recognition to those work sites that have demonstrated to OSHA their commitment to provide exemplary safe and healthful working conditions to all of their employees and other workers at their facilities. The VPP also emphasizes the importance of systematic approaches to workplace safety and health based on comprehensive safety and health management systems.

AN OVERVIEW OF THE VPP

The VPP was established by OSHA to implement at a national level a program that had its origins in California in the late 1970s during the construction of the San Onofre Power Plant. The construction of the power plant was under the direction of Bechtel, a company that already had a strong safety and health program that included management leadership and commitment and encouraged employee involvement. Bechtel, the California Building Trades Council, and the National Constructors Association worked together to initiate a joint labor–management safety and health committee to oversee the safety and health activities at the construction project. The committee was responsible for performing routine work-site inspections and the investigation of worker complaints. California OSHA (Cal/OSHA) agreed

to empower this committee to perform routine workplace inspections and to not perform any programmed compliance inspections. This program was approved by the California OSHA State Plan and submitted to Federal OSHA for its concurrence, and OSHA agreed to allow Cal/OSHA to proceed with the experiment. At the conclusion of the project, the experiment was deemed a success based on the sense of ownership of the safety and health program expressed by the trades' workers, as well as being one of the safest such construction projects at the time.

After becoming president, former California Governor Ronald Reagan appointed Thorne Auchter as the Assistant Secretary of Labor for OSHA. Being aware of the dramatic success of the San Onofre program, Auchter directed the agency to develop a similar program for OSHA. The primary difference between the OSHA program and that offered by Cal/OSHA to the San Onofre project was that OSHA retained the right to perform inspections related to formal employee complaints and workplace fatalities and catastrophes. VPP work sites were to become exempt from routine programmed OSHA inspections.

To initiate such a program that emphasizes the cooperation between labor, management, and OSHA, the agency had to overcome several obstacles. Traditionally, unions distrusted management when it came to safety and health in the workplace. Second, management typically did not invite OSHA into a workplace to observe the record-keeping, conditions, and activities at the workplace. This idea harkens to the adage that the biggest lie in workplace safety is that when OSHA arrives at a workplace, it knocks on the door and says: "I'm here from OSHA and I came to help." The second lie is that management then says: "We are glad to see you; we were just about to call for your help." A third obstacle is the fact that OSHA had no formal requirement for safety and health management systems and did not have any guidelines for these systems.

Thanks to the efforts of several OSHA staff and those that responded to the public notice published in the *Federal Register* about the new program named the Voluntary Protection Programs, OSHA announced the VPP in the *Federal Register* on July 2, 1982, to establish the credibility of cooperative action among government, industry, and labor to address worker safety issues and expand worker protection. The success of the VPP is in large part due to those that created and nurtured the program in its early years. Foremost among those OSHA staff was Margaret "Peggy" R. Richardson, who has been dubbed the "Mother of the VPP." The authors wish to recognize Peggy for her dedication to this program and also for her book.⁴

When the VPP was first announced, there were three programs: Star, Try, and Praise. Star was the program designation that was, and still is, assigned to those workplaces that exemplified what OSHA had envisioned as a demonstration of a strong management commitment for worker safety and health and a high level of involvement of employees in safety and health activities. Try was the precursor of the current Merit Program. The purpose of the Try Program was to provide recognition to those workplaces that did not meet the high level of safety and health quality of the Star Program but that were nonetheless committed to improving their management

systems for safety and health to the Star Program level. Praise was intended as a program for low-hazard industries.

The very first VPP sites were three Johnson and Johnson Ortho-Clinical Diagnostics sites in New York, Massachusetts, and New Jersey. These were the only such work sites to be approved for the Praise Program. On October 26, 1982, OSHA approved the first workplace into the Star Program, which was General Electric Combustion Engineering in Wellsville, New York. Although ownership has changed several times over the years, that work site, now Alstom Air Preheater Company, is still a VPP Star work site.

In 1985 a group of current VPP sites formed a volunteer association to take over from OSHA the responsibility of managing the annual VPP conferences for VPP sites and to provide potential applicants with pertinent information about the program and to assist OSHA in helping to grow the VPP. With OSHA's assistance, the conferences continued to grow with representation from the core VPP companies as well as those companies that had heard about this new VPP and were interested in learning more about it. In 1990 this group of volunteers decided to form a more formal organization and became the Voluntary Protection Programs Participants' Association, Inc. (VPPPA) in 1991. Peggy Richardson retired from OSHA in 1991 and became the first Executive Director of the VPPPA. This new organization changed its primary function from organizing the annual conferences to "be a leader in health and safety excellence through cooperation among communities, workers, industries and governments."⁵ The role of the VPPPA has evolved since its inception as a conference planner to a strong advocate for workplace safety and health and the VPP. It represents over 1900 federal and state plan VPP sites and has assisted OSHA in the review of several standards. The annual conference has also grown from a small gathering of about 50 representatives to major safety and health conferences with over 3000 attendees. The VPPPA has also expanded its availability through the organization of regional chapters in each of the 10 OSHA regions. These regional chapters also hold, albeit smaller, annual conferences. In addition to offering workshops directly related to the VPP, each of these 11 conferences offer workshops on specific safety and health elements to help attendees improve their safety and health management systems and to network with others with the same goals.

EVOLUTION OF THE VPP

Since its inception, OSHA has regularly reviewed the progress and effectiveness of the VPP and has made some modifications to it. On October 29, 1985,⁶ OSHA issued its first revision to the VPP. The most significant change was to no longer allow sites to qualify based solely on their safety program; sites now had to provide effective protection against both safety and health hazards. Based on the determination that since there were no additional applications for Praise, there was little reason to continue the program and the Praise Program was discontinued. The revisions also established the VPP Demonstration Program to replace the experimental element

of the Try Program. The purpose of the Demonstration Program is to “provide the opportunity for companies to demonstrate the effectiveness of alternative methods, which if proved successful (usually at more than one site), could be substituted for the Star Program for certain situations.” Another purpose of the Demonstration Program was to “test methods of overcoming problems which have kept certain employers, such as small business employers and many contractors in the construction industry, from taking part in the VPP.”⁷ The Demonstration Program eventually began to be referred to as the Star Demonstration Program since the requirements to participate were intended to be as stringent as those for the Star Program.

In January, 1988, the Try Program was officially changed to what is now the Merit Program. The intent of the Merit Program is to recognize employers in any industry who do not yet meet the requirements for the Star Program but who have demonstrated the commitment and potential to achieve Star requirements within an agreed period of time that may not exceed 3 years. Although the VPP has undergone a few more revisions, it remains much the same as it was in 1988.

The more significant changes were to establish several demonstration programs to address the transition by the Bureau of Labor Statistics from the use of the Standard Industrial Classification (SIC) codes to the newer North American Industrial Classification System (NAICS).

It is interesting to note that when the VPP was initiated OSHA had no formal standards or guidelines for safety and health management systems. It was not until January, 26, 1989, that OSHA published its “Safety and Health Program Management Guidelines; Issuance of Voluntary Guidelines” in the *Federal Register*. It is also interesting to note that the guidelines were based on the positive experiences of the VPP sites. There were documented reports of significant reductions in injuries and illnesses and related direct and indirect cost savings. Once these guidelines were published, it led to another change to the VPP to bring the VPP’s basic program elements into conformity with OSHA’s Safety and Health Program Management Guidelines of January 26, 1989. Another change was to formally include resident contractors at participating VPP sites as potential applicants for their activities at those VPP sites. Other subsequent revisions were more procedural, such as the revision to recognize the changes to the OSHA log and the initiation of the use of TCIR (total case incident rate) and DART (days away, restricted, transferred cases). With the 1988 and later revisions, the official programs became the current versions of Star, Merit, and Demonstration.

The next significant revision to the VPP occurred in July, 2000, when OSHA added a new method to calculate rates for small businesses that made it easier for them to meet the Star rate requirements. Instead of using just the most recent three calendar years on injury/illness rates, small businesses that meet a specific criteria are now allowed to consider the best three out of four year’s injury/illness rates. The rationale for that decision was that in a company with only a few employees, any one or two recordable injuries could remove them from eligibility for the VPP.

Another revision to the VPP in July, 2000, was the formal inclusion of recordable illnesses in the rate calculations. Until then only injuries were included in the calculations.

On January 9, 2009, OSHA published in the *Federal Register* the latest changes to the VPP. These changes become effective on May 9, 2009. The most significant of the changes include:

- Acceptance of the Corporate VPP Pilot Program as a formal part of the VPP
- Acceptance of the Mobile Workforce for Construction Demonstration Program as a formal part of the VPP
- Modified provisions concerning Star Program rate reduction plans and 1-year conditional status
- Greater emphasis on the principle of continuous improvement
- Formal expectation of outreach and mentoring activities

VPP FOR FEDERAL AGENCIES

Another significant date in the VPP chronology was October 27, 1997. That was the date that OSHA extended the eligibility for the VPP to federal agencies. Since the OSH Act does not provide OSHA with formal jurisdiction over other federal agencies, this was a very significant VPP milestone. Several federal agencies, including the U.S. Park Service, the Department of Defense, and the U.S. Postal Service (USPS) have become VPP sites. In fact, the USPS considers the VPP such a value-added safety and health tool that it has fully embraced the program. Since 1997 the USPS has successfully had over 150 individual sites approved into the VPP. However, this was not the first federal incursion into the VPP. In 1994 the U.S. Department of Energy initiated its own VPP, which was based in a large part on OSHA's VPP.

The Department of Defense has, for several years, recognized the importance of the VPP as a valuable tool to maintain a strong focus on the safety and health of its workers. Since OSHA has opened the doors to federal agencies to apply to the VPP, the Department of Defense has committed to identifying and working with its leading installations toward VPP participation. Several military establishments are currently in the VPP and more are working toward the goal of participation.

Even OSHA has gotten on the VPP bandwagon with seven of its area offices and other specialty operations recognized as Star work sites.

VPP STAR PROGRAM

The OSHA VPP Star Program is the highest level of recognition for safety and health management systems offered in the United States. The Star Program is designed for VPP sites whose safety and health management systems operate in a highly effective, self-sufficient manner and meet all VPP requirements. As the highest level of VPP participation, Star represents those sites that exemplify the strongest level of commitment to safety and health in the workplace. To qualify for Star, all safety and health management system elements and subelements must meet or exceed the expectation of OSHA and be determined to be effective for at least the most recent 12 months.

In addition, the rates for recordable injuries and illnesses for the most recent 3 full calendar years prior to the submission of an application must be lower than the most recent average rates published by the Bureau of Labor Statistics (BLS) for the specific industry classification. Based on a recent change to the VPP criteria, OSHA allows the comparison to be based on any of the most recent 3 years of BLS published rates. This decision was a result of the realization that it was unfair to compare a company's 3-year rates to a single year average rate as published by the BLS.

Once approved for Star, there is no official termination period. Participation continues uninterrupted based on routine follow-up evaluations by OSHA. After the initial approval to Star, OSHA reevaluates the work site within the next 36–42 months. Upon satisfactory findings of that evaluation, the site is allowed to continue and will be reevaluated again within 60 months from the completion of each subsequent OSHA evaluation.

The routine evaluations are supplemented with annual status reports submitted to OSHA by each VPP work site. Each year, all VPP sites must provide to OSHA, by February 15, a report that includes a table that contains the OSHA recordkeeping log data for the past 4 years and a copy of the annual evaluation for the previous year. That provides OSHA a means to maintain a constant review of the site's continued meeting of the requirements of the VPP. Should OSHA perceive that there has been a deterioration of the quality of the safety and health management system, it may revisit the site for an interim evaluation and place the site on a 1-year conditional approval.

A 1-year conditional approval allows the site to work on specific 1-year conditional goals to bring the quality of its safety and health management system back to Star quality.

These goals are issued to address weaknesses such as failure to perform monthly inspections, failure to track hazard correction items, missed training programs, and weak inspections caused by a lack of hazard recognition training. After one year, OSHA revisits the site to evaluate the progress made in completing the goals. Successful completion may result in the site being reinstated in the Star Program. Failure to meet any goal will usually result in a formal request by OSHA that the site withdraw from the VPP without prejudice. After the withdrawal, the site may continue to work on the goals and then submit a new VPP application in the future.

The 1-year conditional goals are not used to directly address increases in injury and illness recordable rates that cause the BLS average rates to be exceeded. Should the site realize an increase in its rates, or should the BLS rates drop to a level below the site's rates, OSHA will issue a 2-year rate reduction letter. The site will be given 90 days to develop a plan to address those factors that resulted in the rate increases. When the rate reduction plan is approved by OSHA, the site will have 2 years to implement it with the goal of bringing the rates to below those of BLS and continue as a Star site. It must be noted that the goal must be specific and action based. A goal such as "We will reduce our rates to below the BLS rates within two years" is not acceptable except as a result of successful completion of the specific actions.

Examples of rate reduction goals include: provide hazard recognition training to workplace inspectors; ensure through tracking that inspections are performed

at least monthly; strictly enforce all site safety and health rules such as lockout/tagout; and develop and implement a new recognition program for employees to encourage their participation in safety and health activities.

VPP MERIT PROGRAM

The Merit Program provides recognition to applicants that have good safety and health management systems but that are either not yet at the Star level of quality or they have not been fully in place and effective for at least 12 months. It is possible to be approved for Merit if all of the elements are at least operational or, at a minimum, in place and ready for implementation by the date of approval.

In addition, all minimum VPP requirements must be met. The minimum VPP requirements are also applicable to the Star and Star Demonstration programs and include:

A. Management Leadership and Employee Involvement

1. A written safety and health management system at least minimally effective to address the scope and complexity of the hazards at the site.
2. Management demonstrates at least minimally effective, visible leadership with respect to the safety and health program.
3. Top management accepts ultimate responsibility for safety and health in the organization.
4. The individuals assigned responsibility for safety and health have the authority to ensure that hazards are corrected or necessary changes to the safety and health management system are made.
5. Adequate resources (equipment, budget, or experts) are dedicated to ensuring workplace safety and health.
6. The site's contractor program covers the prompt correction and control of hazards in the event that the contractor fails to correct or control such hazards.
7. Contract oversight is minimally effective for the nature of the site (inadequate oversight may be indicated by significant hazards created by the contractor, employees exposed to hazards, or a lack of host audits).
8. Employees support the site's participation in the VPP process.
9. Employees feel free to participate in the safety and health management system without fear of discrimination or reprisal.

B. Work-Site Analysis

1. The site has been at least minimally effective at identifying and documenting the common safety and health hazards associated with the site (such as those found in OSHA regulations, building standards, and the like, and for which existing controls are well known).
2. There is at least a minimally effective hazard analysis system in place for routine operations and activities.

3. The site has a minimally effective system for performing safety and health inspections and identifying hazards associated with normal operations.
 4. There is a minimally effective means for employees to report hazards and have them addressed.
 5. A minimally effective tracking system exists that results in hazards being controlled.
 6. There is a minimally effective system for conducting accident/incident investigations, including near misses.
 7. The site has a minimally effective means for identifying and assessing trends.
- C. Hazard Prevention and Control
1. The site selects at least minimally effective controls to prevent exposing employees to hazards.
 2. The site has minimally effective written procedures for emergencies.
- D. Safety and Health Training
1. The site provides minimally effective training to educate employees regarding the known hazards of the site and their controls.

OSHA may also award Merit recognition to those applicants that do meet the Star requirements with the exception of the rate requirements. If it is determined by the evaluation team that an applicant has demonstrated the commitment and possesses the resources to meet Star requirements within 3 years, the employer may enter the Merit Program with set goals for reaching Star. If the rates represent an issue, then the applicant must be able to demonstrate that it is programmatically and statistically feasible to reduce rates to below the industry average within 2 years. If the applicant has either or both the TCIR and DART rate above the industry average, the applicant must set realistic, concrete goals for reducing both rates within 2 years and must specify the methods (approved by the VPP Manager) to be used to accomplish the goals. A Merit applicant would qualify for Star when it has met its Merit goals, the Star rate requirements, and when all other safety and health elements and subelements have been operating at Star quality for at least 12 months.

When an applicant is approved as a Merit site, it is assigned goals that must be met within 3 years to be able to maintain continued participation until it qualifies for the Star Program. The Merit goals address Star requirements not in place during the initial evaluation or aspects of the safety and health management system that are not up to Star quality for at least 12 months. The Merit goals include methods for improving the safety and health management system to address the identified problem areas. Merit goals may also address weaknesses in safety and health management system deficiencies underlying the high recordable rates with the intent of reducing a 3-year TCIR or DART rate to below the national average. A goal to reduce the rates would not in itself be a valid Merit goal.

Following are some examples of Merit goals:

1. Improve the accident investigation process to include more extensive training for those performing the investigations and ensure more appropriate corrective

actions, with a focus on revisions to procedures, equipment, and training. Success of this Merit goal will be demonstrated by a review of future accident investigations by a VPP evaluation team.

2. Employees must be encouraged to participate in all aspects of the safety and health management system. This may include their participation in more frequent inspections, providing training, helping to perform hazard assessments, making formal suggestions, and being involved in production and process modifications. Success of this Merit goal will be demonstrated by employee interviews and reviews of their activities.
3. Training records and programs must be improved to better document the scope of the training and should be provided with greater frequency. Success of this Merit goal will be demonstrated by reviews of all training records and schedules.
4. The annual evaluation should be better detailed to include information as to how observations and recommendations were arrived at. It must also include a method to ensure that all actions on previous recommendations have been completed. Success of this Merit goal will be demonstrated by a review of the next annual evaluation.
5. Clearly define the responsibilities of the management employees in relation to safety and health. The performance appraisal should include specific areas of accountability for each rated employee relative to his or her safety and health responsibilities. Success of this Merit goal will be demonstrated by reviews of new performance evaluations and interviews with selected managers.
6. Reduce the rates to below the industry average within 2 years by the following activities:
 - a. Develop a plan for determining the factors contributing to the elevated numbers including identifying any injury/illness trends.
 - b. Develop a plan for reducing the number of injuries/illnesses necessary to reduce the 3-year rate to below the most current BLS averages.
 - c. Develop and implement specific objectives for accomplishing the rate reduction plan.
 - d. Success of this Merit goal will be demonstrated by a review of the OSHA logs and the VPP rates table.

Both Star and Merit applicants and current participants may also receive a list of what OSHA refers to as 90-day items. These include those compliance-related issues and workplace hazards that were observed during the VPP evaluation team's work-site tour and program revisions that were not corrected by the conclusion of the evaluation. However, when a safety and health management system deficiency underlies a specific hazardous condition, then corrections to the system must be included as Merit goals.

The length of a Merit term for approval is dependent on the estimated time necessary to fully accomplish the Merit goals. However, initial approval to Merit will be for a single term not to exceed 3 years. In exceptional situations the OSHA assistant secretary may allow an additional 3-year extension to the Merit term.

One example of a reason for such an extension may be a significant interruption of the work process or damage to the plant that prevented the completion of the Merit goals. The 2005 devastation caused by Hurricane Katrina in New Orleans and Mississippi would probably represent a valid disruption and a reason for an extension to the Merit term.

GROWTH OF THE VPP

For the first 10 years of the VPP, there was a steady but slow growth. The only work sites that were eligible were those covered by federal OSHA since no state plan state had yet started its own VPP. Also, there was no strong effort to encourage participation in the VPP, and the growth was primarily as a result of word of mouth and a commitment by a few major companies such as Mobil Chemical, which by July, 1987, had all of its 24 work sites in the Star Program, and the General Electric Company, which began slowly but eventually became the foremost corporate presence in the VPP with over 100 VPP work sites in 2008. In fact, General Electric has developed its own internal VPP-type program called the GE Global Star. Recognizing the benefits of the VPP as a management system for safe and healthful workplaces, the GE Global Star offers corporate recognition to those international General Electric facilities that have met the equivalent of the VPP criteria. Other major corporations that have adopted the VPP as a management tool to improve workplace safety and health include Monsanto, Milliken, Georgia Pacific, Covanta Energy, and International Paper.

With the new emphasis on safety and health management systems and the focus on the VPP, OSHA made an all-out effort to encourage corporations and individual companies to participate. The VPP saw a growth from the 100 sites in 1992 to 250 sites in 1996, for a growth of 150% in 4 years. Clearly, the word was getting out about this unique and very successful program. The experiment to demonstrate that labor, management, and OSHA can effectively work together to prevent workplace injuries and illnesses and reduce costs was working. The VPP was not considered the “flavor of the month” safety program but rather as a new way of managing safety as an ongoing commitment.

Federal OSHA has jurisdiction in 28 states, plus the Virgin Islands. The other 22 states, plus Guam and Puerto Rico, are responsible for workplace safety and health through their state plan agreements with federal OSHA. Through those state plan agreements, the states run their own safety and health organizations and receive funding for 50% of their costs from federal OSHA. State plan states may promulgate their own workplace safety and health regulations. However, the primary requirement of the state plan programs is that they must be at least as effective as federal OSHA in their workplace safety and health rules. For example, their programs for fall protection must be at least equal to OSHA's, but they may exceed the OSHA rules. Where OSHA requires fall protection in construction starting at elevations of 6 feet, state plans may require such protection at 4 feet. This is applicable to the

VPP as well. In developing their VPP, the state plan states or territories may decide to use the OSHA model in its entirety, or they may make it more restrictive. Whereas the federal OSHA staffs are federal employees, state plan OSHA staffs are state employees.

In August, 1986, California became the first state plan state to start a VPP. That is only fitting given that the OSHA VPP was originally based on the Bechtel experiment in San Onofre, California, 7 years earlier. The other states followed with their own VPP models with Vermont becoming the last state plan state to offer the VPP to sites under its jurisdiction. In accordance with the OSH Act, state plan states must be able to demonstrate that their programs are at least as effective as those similar programs of OSHA. Many of the state plan states have made the requirements of their VPP even more stringent than OSHA's. For example, the South Carolina VPP does not have a Merit Program and requires its Palmetto Star Program sites to have injury/illness rates 50% below the state averages for similar industries.

Probably the most unique site to raise the VPP Star flag was Task Force Rakkasan, Kandahar, Afghanistan, made up of units from the U.S. Army, Air Force, Marine Corps, and a Canadian battle group. Although the military is not eligible to participate in the VPP, an honorary flag was presented to that base to recognize the efforts made to meet the requirements of the VPP. Credit must be given to Dave Baker, formerly the Regional VPP Manager for OSHA Region 10, and his fellow members of Task Force Rakkasan.

Since those early spurts of minimal growth, the VPP received a major emphasis by OSHA and the Congress of the Clinton White House. It was not until 1992 that the VPP reached 100 sites.

The next milestone was the recognition of the 500th federal OSHA VPP site in February, 2000. That was awarded to a resident contractor at the NASA Johnson

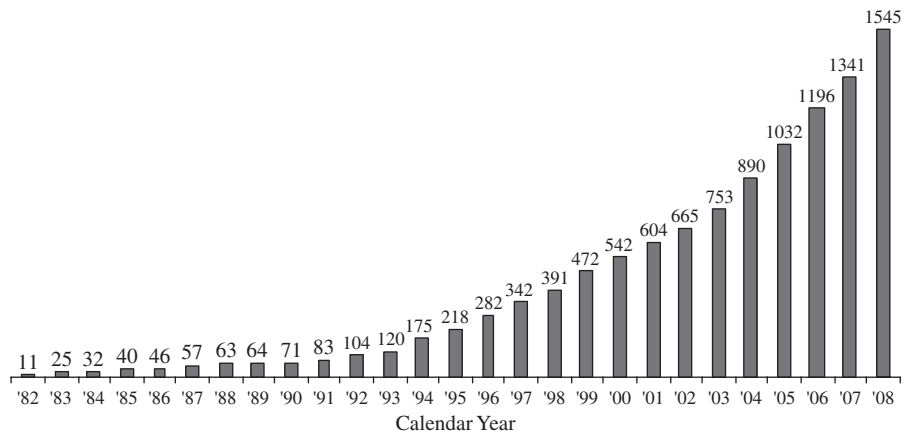


Figure 1.1 Growth of VPP; federal only (as of December 31, 2008). (Source: OSHA, Office of Partnership and Recognition.)

Space Center in Houston, Texas, under the Demonstration Program for Resident Contractors. That represented a 200% increase in another 4 years. It was only another 3 years to the 1000th site, the Titleist Ball Plant II in Dartmouth, Massachusetts, in October, 2003. The growth of VPP continued to July, 2008, when OSHA issued the VPP Star flag to Wyeth Pharmaceuticals, Pearl River, New York, to make it the 2000th VPP site. As of December 31, 2008, there were over 2149 VPP sites in all of the 50 states. Figure 1.1 shows the progressive growth of the VPP from its inception in 1982 to November 30, 2008. This figure includes all VPP sites in all states, both federal and state plan programs. It also includes all federal agency sites recognized as VPP sites.

VPP MEMBERSHIP

The VPP has no restrictions for participation based on either the size of the work site or the type of industry. Figure 1.2 illustrates the participation in the VPP by work-site size and industry.

There are no restrictions to participation in the VPP. So long as either federal or state OSHA has jurisdiction over a workplace, that workplace may apply for the VPP. Workplaces may apply regardless of how many employees work there. One of the smallest VPP sites has only 19 employees and the largest has had over 4000. There is also no restriction for sites with or without union-represented workers. There is one additional requirement for nonconstruction workplaces that have union-represented employees working directly for the company. At those workplaces the senior union official at the workplace must not oppose the VPP application. Evidence of that must be included in the VPP application. That evidence may take the form of a concurring signature on the application indicating support for the VPP

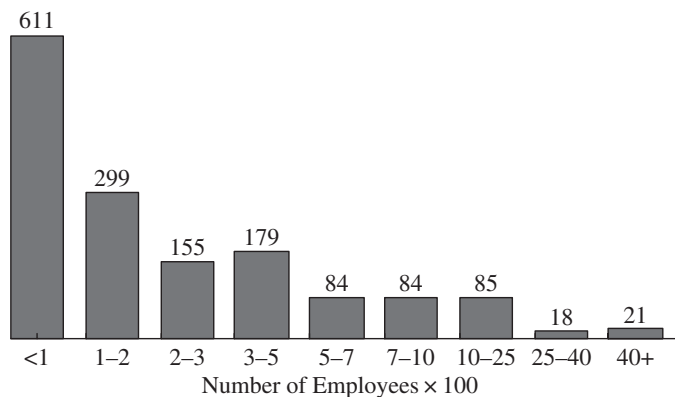


Figure 1.2 Size of VPP sites. Number of sites by employment; federal only (as of November 30, 2008). (Source: OSHA, Office of Partnership and Recognition.)

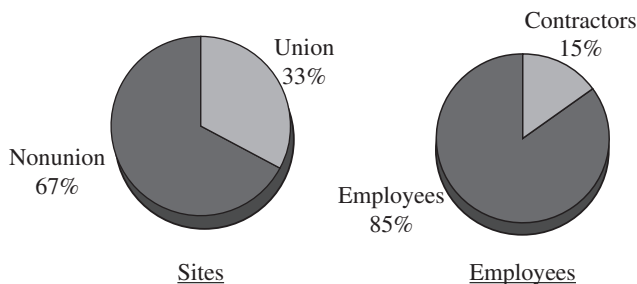


Figure 1.3 Union and nonunion VPP sites; federal only (as of December 31, 2008). (Source: OSHA, Office of Partnership and Recognition.)

or a statement that the union has no objection to the VPP application. Clearly, the former alternative is preferred since it indicates for the record that the union is in favor of the VPP. Figure 1.3 illustrates the percentage of union versus nonunion VPP work sites and the respective numbers of employees in each category.

Construction projects that hire only union workers must also obtain a statement of support or nonobjection to the VPP from each of the represented unions. That is usually obtained from a group that represents all local trades unions, such as a construction and building trades association. Those construction work sites that hire both union and nonunion workers should use the criteria detailed in Table 1.1 to determine if they must obtain official union support for the VPP application.

The chemical industry includes chemical companies and oil refineries, and the trucking and warehousing industry includes the U.S. Postal Service. The electric industry consists of sites that are involved in any one or more of electric generation, transmission, or distribution, including a large number of resource recovery sites. Figure 1.4 illustrates the industries with the most VPP work sites. It indicates that there are currently 28 general building contractors in the VPP. That number does not reflect all of the construction projects that have been in the VPP because when the project is completed the VPP recognition also ends for that project.

TABLE 1.1 Criteria to Determine If Construction Work Sites Must Obtain Official Union Support for the VPP Application

If	Then
Majority of employees are represented by unions	Signed statement(s) required. Must be obtained from enough unions to represent a majority of employees.
Some employees but less than a majority are represented by unions	No statement of union support required.
No employees are represented by unions	Requirement not applicable.

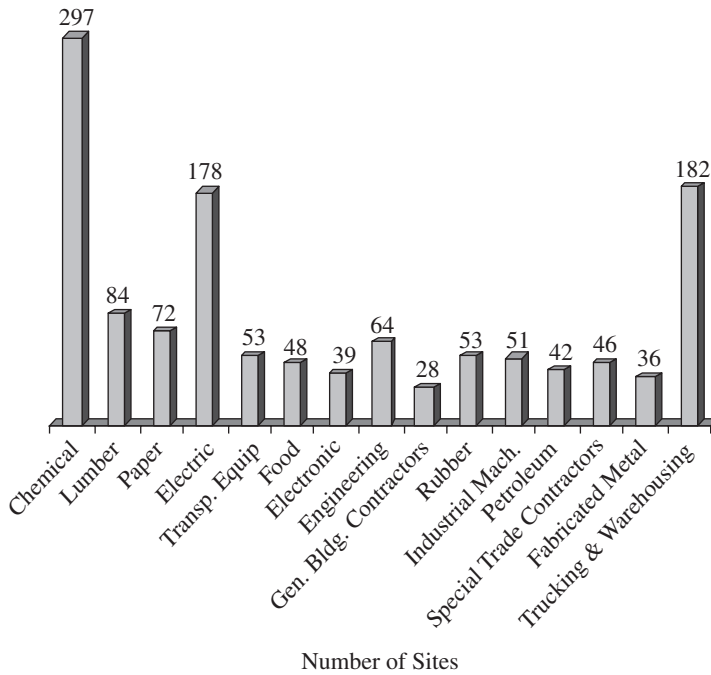


Figure 1.4 Top 15 industries in the VPP; federal only (as of November 30, 2008). (Source: OSHA, Office of Partnerships and Recognition.)

CONSTRUCTION INDUSTRY IN THE VPP

The standard requirements of the VPP for general industry preclude most construction projects from participating in the VPP. In recognition of that issue, OSHA has included the following exceptions in the VPP Policies and Procedures Manual⁸ exclusively for the construction industry. These exceptions allow larger construction projects to apply to the conventional VPP. To be able to apply, a construction applicant must be the general contractor, owner, or an organization that provides overall management at a work site, controls site operations, and has ultimate responsibility for assuring safe and healthful working conditions at the work site. Instead of the 3 years experience required of general industry applicants, construction projects must have been in operation for at least 12 months prior to approval. The rate calculation is also reduced from 3 years to just the amount of time that the project has been in operation when the application is submitted. If the project's TCIR and DART rates are below those for the general construction BLS rates, the project may qualify for Star. If the project's rates are above the BLS rates, the applicant may still qualify for Merit if the company-wide 3-year TCIR and DART rates are below the national average.

Unlike the general industry VPP, construction VPP projects must submit an end-of-project final comprehensive evaluation. To address the continually changing

conditions of construction projects, inspections must be conducted at least weekly with the entire project inspected at least monthly. Since the VPP covers all workers at the project, all hazards must be corrected, including those created by subcontractors.

Similar to a conventional VPP application, all employees must be made aware of the VPP application or participation and of their rights, roles, and responsibilities. That includes the employees of the applicant as well as those of all subcontractors. Evidence that all subcontractors at the work site recognize these conditions is necessary and may include:

1. The contractual agreement
2. A written statement of willingness to cooperate
3. Attendance at safety meetings
4. Orientation sessions for incoming subcontractor employees

Employees at construction sites must be involved in safety and health at the work site to the degree practical based on the time they will spend on site. Examples of short-term involvement include attending daily toolbox talks on safety and health and participating in daily self-inspections. The more time they spend on site, the more involvement OSHA expects. The onsite evaluation team will judge the sufficiency of employee involvement through interviews and observations.

OSHA SPECIAL GOVERNMENT EMPLOYEES PROGRAM

OSHA has implemented several initiatives to improve the VPP. On February 28, 1994, it initiated the OSHA VPP Special Government Employee (SGE) Program, and in June, 1994, it formalized the VPP Mentoring Program. The SGE Program was established to allow industry employees from VPP work sites or companies to work alongside OSHA during VPP onsite evaluations. One of the benefits OSHA realizes from this program is that this helps to supplement the OSHA onsite evaluation teams with other than OSHA staff, thereby allowing those OSHA resources to be used in other ways to meet the agency's goals. Another benefit for OSHA and the VPP is the availability of subject matter experts participating on VPP evaluations. Those subject matter experts have included chemical safety, cranes, and ergonomics.

The SGE Program has an added benefit in that the SGEs receive another opportunity to improve their safety and health and VPP process. It provides the SGEs exposure to how other companies manage their safety and health programs. Experienced SGEs have confirmed that they have always been able to bring something back from these exposures to their own work sites to improve their safety and health management system.

To become an SGE an applicant must meet the following requirements:

- Employee of a current VPP site or a corporate employee of a corporation with VPP sites
- Strong interpersonal skills

- Sound reading and writing skills
- Physical ability to perform team member's duties
- Management or corporate support for participating as an SGE experience applying OSHA regulations
- Experience (currently or within the previous 2 years) in a leadership position(s) in the VPP at the applicant's work site or corporation (this includes hourly employees directly involved in the VPP process regardless of their safety and health experience or education)

The interested employee must complete and submit a detailed application to OSHA. The application asks for the applicant's safety and health and VPP experience and a background of the applicant. It also includes a full financial disclosure to assist OSHA in confirming that there is no potential conflict of interest with sites being evaluated. Once the application is reviewed and accepted by OSHA's national office, the applicant is assigned to an SGE training class. There are at least four SGE classes throughout the country each year. These are supplemented with other classes on an as-needed basis. Many VPP companies have sponsored SGE classes so that their own applicants can be trained locally.

The 24-hour SGE training course reviews the history of the VPP, the elements of safety and health management systems, and the techniques to evaluate those elements. The training also explains the government code of ethics that apply to all federal employees, including the SGEs. At the conclusion of the SGE training, all participants are formally sworn in by an OSHA official, usually the local Area Director.

The SGEs then volunteer to assist on OSHA VPP onsite evaluation teams, given any company restrictions for travel and expenses. As a team member, SGEs are held to the same standards as regular OSHA employees. The only exception is that only OSHA employees may review the OSHA logs and supporting personal medical records.

In addition to supporting OSHA in its VPP activities, many SGEs assisted OSHA in its activities during the World Trade Center Recovery Program. SGEs from companies across the country helped OSHA distribute personal protective equipment (PPE) to the recovery workers. That included the quantitative respirator fit testing of over 4000 members of the Fire Department of New York and the distribution of over 130,000 respirators and other PPE.

In December, 2004, OSHA began to allow SGEs to waive the cost for courses offered at the OSHA Training Institute (OTI). These courses are the same courses offered to the OSHA compliance safety and health officers and staff.

VPP MENTORING PROGRAM

The VPP Mentoring Program was initially established by OSHA to provide a means for current VPP sites to assist or mentor prospective VPP applicants in the application process. When it was first set up by OSHA, a prospective applicant or mentee would contact the regional VPP manager or the OSHA national office to recommend

a mentor to establish an informal match. This program was transferred to the VPP Participants' Association and renamed the VPPPA Mentoring Program.

The function of the mentor is not specifically defined and the actual assistance provided by the mentor is decided upon by the mentor and mentee. At a minimum, the mentor provides assistance to the mentee to address the administrative requirements of the VPP and the application process. The administrative requirements include such matters as notifying all employees about the VPP and the intent to submit an application, the methods to review the various safety and health programs, the techniques to prepare the site for the OSHA onsite evaluation, and other related issues. The application assistance may include suggestions about the actual writing of the application as well as what the OSHA VPP manager expects in an application. The mentor does not usually get involved in the writing or the review of hazard control programs or an inspection of the mentee's work site other than for familiarization. Through programs such as the SGE Program and the VPPPA Mentoring Program, the VPP has been able to continue its growth.

DEMONSTRATION PROGRAMS

John Henshaw, the former Assistant Secretary of OSHA, in September, 2002, announced that the goal of the agency would be to increase participation in the VPP from 800 sites to 8000 sites. Although that was a stretch goal, it set the agenda for the VPP for the following years. To achieve that goal, OSHA created several unique new demonstration and pilot programs. However, these were not the first demonstration programs. The first such program was initiated in 1992 to allow resident contractors at current VPP sites to apply on their own merits for the work performed at the VPP site. The first such approval was made in early 1993. This demonstration program existed until 2000 when it was approved as another formal eligibility category for VPP applicants.

DEMONSTRATION PROGRAM FOR SHORT-TERM CONSTRUCTION PROJECTS

The next demonstration program was initiated in April, 1998, to allow short-term construction projects to apply to the VPP. OSHA recognized that the VPP requirements for construction projects were very restrictive since the application could not be submitted until the construction project was in operation for at least 12 months. Allowing for another 6 months for the application process to proceed to approval, most construction projects would not be able to apply. There are very few construction projects that extend beyond 18 months to 2 years. Hence, the most hazardous industry was generally precluded from participation in a program that would enhance safety and health at construction projects.

The Demonstration Program for Short-Term Construction Projects was established to overcome the obstacles by allowing construction general and trades contractors to

apply to the VPP for their shorter-term projects. This was accomplished by having construction companies submit an application based on the company's corporate programs and injury/illness records. OSHA would then evaluate the company's corporate structure including a review of the organization of safety and health in the corporate structure, assignments and responsibilities for managers and supervisors, resources for safety and health activities, all hazard control programs, procedures for work-site analyses, and the level of management leadership and commitment and employee involvement. When the corporate structure had been approved, the company could then submit an abbreviated application for individual projects that were still in the beginning phases of work. If the individual projects met the requirement, they would be approved as VPP sites under the demonstration program.

MOBILE WORKFORCE DEMONSTRATION PROGRAM

The Mobile Workforce Demonstration Program was initiated in late 1998. This program was for nonconstruction companies with mobile workforces to demonstrate that they could effectively protect their field employees regardless of their work locations. Examples of these mobile workforces include appliance repair services and field power generation maintenance workers such as linemen. This program was similar to the Construction Short-Term Demonstration Program.

3-C DEMONSTRATION PROGRAMS

In 2003 OSHA initiated three new demonstration programs that were developed to respond to Assistant Secretary John Henshaw's goals to increase the coverage and effectiveness of the VPP. These became known as the 3-C demonstration programs.

MOBILE WORKFORCE FOR CONSTRUCTION DEMONSTRATION PROGRAM

The first 3-C program was the Mobile Workforce for Construction Demonstration Program. This program was developed by combining the former Demonstration Program for Short-Term Construction Projects and the Mobile Workforce Demonstration Program. Although the primary industry focus of this demonstration program is the construction industry, all types of industry classifications may apply.

This demonstration program is intended to create greater opportunity for employers and employees in the construction and other industries to participate in the VPP and, in so doing, to strengthen worker protections significantly. At the same time, it is intended to provide OSHA with additional opportunities to explore and test appropriate modifications to the VPP and the administration of alternate safety and health management systems. These alternative requirements should help OSHA bring the benefits of this program to the construction industry and other underrepresented industries.

The first step in the application process for this demonstration program is to create a dialog with the OSHA Regional VPP Manager. The Regional VPP Manager will discuss the requirements of the program and geographic extent of the application. The geographic coverage of the application is referred to as the designated geographic area (DGA), which must be agreed to by OSHA and the company. The usual DGA is that area covered by a single OSHA area office. The DGA may be extended to a larger area based on the size of the area and the number of active applicant work sites in the DGA. Although it is possible to extend the DGA across OSHA regional jurisdictions, that is very rare and must be arranged with the cooperation of all involved OSHA regions.

The applicant company completes a special application that details the corporate or company safety and health management system and the corporate or company structure for safety and health. It also details how the company provides for the safety and health of its workers at their remote work sites. The application includes a description of the type of work and the types of locations at which the work is done. The application process also requires a participation plan, which that focuses on the following information:

1. Designated geographic area (DGA)
2. Unique aspects of company's mobile workforce
3. Subcontractor oversight
4. Hazard recognition and control as a noncontrolling employer
5. Employee involvement
6. Baseline hazard analysis
7. Emergency response

Once the application has been accepted, OSHA will start the evaluation phase. Unlike a typical evaluation, the evaluation for this demonstration program is actually a multiphased process. OSHA will first visit the company headquarters to evaluate the company records, including the injury and illness information and specific safety and health hazard control programs. OSHA will also interview several company managers and employees. The purpose of this visit is to verify the information in the application.

Upon successful completion of the company headquarters evaluation, OSHA will select a small number of active sites within the DGA for evaluation. These evaluations focus on the information in the participation plan and include observations of the work and work site and employee interviews. It is important to note that the work and activities of noncompany workers will also be observed and are expected to be safe with all hazards properly controlled.

Having evaluated this demonstration program and determining that it is an effective method for such companies to participate in the VPP, OSHA has again revised the VPP so that beginning on May 9, 2009, employers with mobile workforces will be able to apply for VPP participation without the need for the demonstration program. This change opens new opportunities for participation by exemplary employers in the construction industry plus mobile workforce employers in other industries.

VPP CORPORATE PILOT PROGRAM

The second of the 3-C demonstration programs is the VPP Corporate Pilot Program. Recognizing that many corporations have committed to having their numerous sites participate in the VPP, OSHA developed this program to try to streamline the application and evaluation process.

The VPP Corporate Pilot Program is designed to test new streamlined VPP processes for corporate applicants, who demonstrate a strong corporate commitment to employee safety and health and the VPP. These applicants, typically large corporations or federal agencies, have either already adopted VPP on a large scale or are in the process of doing so. VPP Corporate Pilot applicants and participants must have established VPP experience for at least some of its facilities, standardized corporate-level safety and health management systems, and hazard control programs, and effectively implemented organization-wide as well as internal audit/screening processes that evaluate their facilities for safety and health performance. They must also have injury/illness rates that compare favorably to the BLS average rates for their primary industry. Under the VPP Corporate Pilot Program, streamlined processes have been established to eliminate the redundancies associated with multiple applications and onsite evaluations, and expand VPP participation for corporate applicants in a more efficient manner.

Criteria that are required to apply to the OSHA VPP Corporate Pilot Program include:

- Significant corporate participation in VPP and a commitment to strengthen VPP participation
- Effective internal prescreening processes
- VPP knowledge and dedicated resources to VPP
- Commitment to outreach and mentoring
- Community leadership in safety and health
- Participation in the Special Government Employee Program

Current participants for the VPP Corporate Pilot are:

- Delta Air Lines
- The Dow Chemical Company
- Fluor Corporation
- General Electric Company
- Georgia-Pacific Corporation
- Parsons Corporation
- U.S. Postal Service
- Washington Division of URS Corporation

Since this is a pilot program, participation is limited. Interested corporations should initially contact the OSHA National Office, Directorate of Cooperative and State Programs, Office of Partnerships and Recognition to express their interest in the Corporate Pilot Program to determine if they qualify and if OSHA can still accept new applications. As with the regular VPP, it is also a good idea just to let OSHA know of the intent to file a VPP application. With OSHA's concurrence, the corporation VPP coordinator will prepare and submit the VPP corporate application describing corporate-level policies and programs consistent with VPP criteria that apply to all facilities across the organization. In addition to meeting the traditional VPP criteria, the applicant must have effective internal prescreening processes to evaluate the candidate facilities' level of preparedness for participation in VPP.

Following OSHA's review and acceptance of the VPP Corporate application, a comprehensive onsite corporate program evaluation at the corporate office/headquarters is conducted by OSHA to verify the information in the application. With the exception of the site tour, the corporate evaluation is similar to a standard site-specific evaluation. It will include interviews with senior leadership and management and safety and health staff to verify their commitment and leadership, interviews with selected managers, supervisors, and hourly employees at both existing corporate VPP sites, and non-VPP sites, evaluation of the prescreening process for prospective applicants, and a comprehensive review of corporate-level policies and programs.

Upon acceptance of the participant into the VPP Corporate Pilot Program, all eligible participant facilities will follow the streamlined application and onsite evaluation process when applying for VPP participation as described below:

- *Corporate-Facility Application Process (C-FAP)* The facility prepares and submits a VPP application using a proscribed format that explains the safety and health management system and includes facility-specific information. Information submitted in the corporate application does not need to be repeated, but the site application must explain any deviations from or additions to the corporate programs.
- *Corporate-Facility Onsite Process (C-FOP)* The facility onsite evaluation focuses on the implementation of the standardized corporate safety and health policies and programs and any facility-specific programs. Also, the duration of the onsite evaluation under C-FOP is shortened using the VPP Corporate Pilot onsite protocol. However, it is the same three-step evaluation consisting of a site tour, employee interviews, and documentation reviews of the OSHA logs and supporting information facility-specific programs. Determinations of how effectively all of the programs have been implemented will be made by the OSHA Team.

Having evaluated this demonstration program and determining that it is an effective method for such companies to participate in the VPP, OSHA has again revised the VPP so that beginning on May 9, 2009, corporations will be able to submit VPP applications under the tested streamlined process. This will enable even more deserving work sites

to become members of the elite VPP in an efficient and less resource-intensive manner. The current corporate VPP companies will be moved into the appropriate VPP divisions. The success of both the construction and corporate demonstration programs will enable the VPP to continue to grow in importance in the United States.

OSHA CHALLENGE PROGRAM

The third of the 3-C demonstration programs is the OSHA Challenge Program. While not officially a VPP, its intent is to assist workplaces that are interested in the VPP but need some help in meeting VPP requirements. The OSHA Challenge Program recognizes that there are many employers at different stages in the process of working toward implementing a successful safety and health management system and they require assistance in completing the process. The assistance they need is more than what is usually offered through the VPPA Mentoring Program.

There are two tracks in the OSHA Challenge Program, one for general industry and one for construction. Participants follow a detailed three-stage roadmap that guides them to improve their safety and health management systems and work toward VPP status. The stages are used to mark the progress of the Challenge participant toward meeting the goals of the VPP in each of the elements of management leadership and employee involvement, worksite analysis, hazard prevention and control, and safety and health training. During each stage, the participant must document its achievements. The underlying progression expected is one from a reactive to a progressive method of managing safety and health. Progress may be demonstrated in several factors. Using the element of management leadership and employee involvement as an example, the expectations for each of the stages would be demonstrated by:

- *Stage 1:* Develop a safety and health mission statement and a safety and health policy statement with input from employees.
- *Stage 2:* Communicate the stage 1 statements and incorporate them into a new employee/contractor orientation.
- *Stage 3:* Take proactive steps to ensure the understanding of the statements by all employees and contract workers and that they become a routine part of regular communication.

During their participation in the OSHA Challenge Program, the participants receive assistance from other VPP sites or organizations that have volunteered to act as OSHA Challenge administrators or coordinators in developing their safety and health management systems. OSHA recognizes Challenge participants for each measured success and incremental improvement through the three stages of the program. OSHA provides incentives and recognition to Challenge participants at the completion of each stage to encourage their growth and implementation of a successful safety and health management system. Incentives may include access to compliance assistance and outreach, letters and certificates of recognition from OSHA, recognition on

OSHA's website, and priority scheduling for OSHA VPP onsite evaluations. The progress is reported to the Challenge Administrator who then provides the information to OSHA. As of November 30, 2008, the status of the OSHA Challenge Program was:

- 185 Participants
 - 96 in construction
 - 89 in general industry
- 22 completed stage 3
 - 18 in construction
 - 4 in general industry
- 10 achieved VPP recognition
 - 8 construction
 - 2 general industry
- 26 administrators
 - 14 for construction
 - 12 for general industry
- 114 coordinators
 - 75 for construction
 - 39 for general industry
- Total employees impacted
 - 28,338 in construction
 - 67,964 in general industry
- Site employees: 85,310
 - 25,797 in construction
 - 59,513 in general industry
- Contract employees: 10,992
 - 2541 in construction
 - 8451 in general industry

OSHA COOPERATIVE PROGRAMS

No discussion of the OSHA VPP would be complete without a discussion of the other OSHA cooperative programs. These include the Strategic Partnership and Alliance Program, the OSHA On-Site Consultation Program, and SHARP (Safety and Health Achievement Recognition Program).

Strategic Partnership Program

The Strategic Partnership Program started in November, 1998, as a means to enable OSHA to work with groups of employers, employees, employee representatives,

and other stakeholders in order to encourage, assist, and recognize their efforts to eliminate serious hazards and achieve a high level of worker safety and health. Through this program OSHA works with the partners to recognize their efforts to eliminate serious hazards and achieve model workplace safety and health practices. Each partnership develops its own unique, formal agreement that establishes specific goals and strategies. The Partnership Program is available to work sites that fall under OSHA's jurisdiction. The Partnership Program process begins when an employer or other interested group informs OSHA that it is interested in working together with OSHA to ensure a safe workplace and working environment. A partnership agreement is written that will include the goals and the duration of the partnership. Partnership goals may include any one or more of the following examples: ultimate participation in the VPP, development of a comprehensive safety and health management system, development of ergonomic programs, development of industry-specific training programs, increasing focus on safety of non-English-speaking workers, increasing employee participation in the safety and health activities of the partner, and so on. Each of the goals must be measurable and be able to be validated for accuracy and effectiveness. Like the VPP, OSHA does perform a verification visit to the partner to confirm that hazards are controlled. Unlike the VPP, however, that verification visit is in the form of an OSHA enforcement inspection and citations and fines can be issued. Another difference from the VPP is the fact that OSHA will determine how many verification visits to perform each year.

General industry partnership participants may not receive any exemption from OSHA inspections, but they are eligible for special enforcement provisions so long as they are adhering to the partnership agreement. Those special enforcement provisions may include limited focus inspections.

Construction partnership participants may receive an exemption from programmed inspections after OSHA verifies the employer's safety and health performance through enforcement verification inspections. OSHA will determine how many enforcement inspections to perform each year based on the work activity of the participant. OSHA will perform at least one such inspection each year. During these enforcement verification inspections OSHA may issue citations and penalties for observed violations. In addition to assessing compliance with OSHA standards, the OSHA inspector will assess the participant's progress in meeting the requirements of the OSHA Strategic Partnership agreement and implementing an effective safety and health management system.

Alliance Program

Through the Alliance Program, OSHA works with groups committed to safety health, including businesses, trade or professional organizations, unions, and educational institutions, to leverage resources and expertise to develop compliance assistance tools and resources and share information with employers and employees to help prevent injuries, illnesses, and fatalities in the workplace.

Unlike the VPP and the Strategic Partnership Program, there is no evaluation or inspection component in the Alliance Program.

The Alliance participant must develop both short- and long-term goals for the program that are acceptable to OSHA. These goals must fall into one or more of three categories:

- *Training and Education* Examples include developing training and education programs and seminars aimed at reducing workplace hazards, providing the OSHA Training Institute with educational and training materials on specific safety issues upon request, and providing peer review of OSHA training curricula.
- *Outreach and Communication* Examples include sharing the most up-to-date ergonomic information for educational purposes, promoting participation in OSHA's cooperative programs, and providing information in Spanish and other languages.
- *Promoting the National Dialog on Workplace Safety and Health* By sharing data on safety and health hazards, participating in various forums and groups to discuss ways of improving workplace safety and health programs, and demonstrating the effectiveness of safety and health programs. OSHA representatives and Alliance Program participants have participated in numerous safety- and health-focused roundtables and other similar forums to discuss current issues in safety and health such as injuries and fatalities resulting from motor vehicle crashes and falls.

OSHA Onsite Consultation Service

The OSHA Onsite Consultation Service is a program through which OSHA funds state government agencies or state universities to offer free and confidential safety and health advice to primarily small and medium-sized businesses in all states across the country, with priority given to high-hazard work sites. The consultation services provided are separate from enforcement and do not result in penalties or citations so long as corrective actions are completed in a timely manner. Under this program, an employer may contact the state consultation service for an assistance visit.

The assistance visit may include a review of the safety and health programs in place, a noncompliance inspection of the workplace, industrial hygiene sampling, and an evaluation of the safety and health management system. The services also include employee training, programs development, hazard correction suggestions, and assistance in the development of comprehensive safety and health management systems. The OSHA Onsite Consultation Service activities are confidential and are not shared with OSHA, except in very rare circumstances.

In agreeing to the service, the employer also agrees to promptly correct all hazards identified during the onsite consultation visits. Failure to provide the state consultation service with any verification of hazard correction may result in a referral to OSHA based on noncompliance with the requirements of the consultation agreement.

Through the OSHA Onsite Consultation Program, the states have been empowered to work with companies to achieve recognition under the Safety and Health

Achievement Recognition Program (SHARP). SHARP provides recognition to small employers who operate an exemplary safety and health management system. SHARP preceded the VPP as the first OSHA recognition program.

Acceptance into SHARP by OSHA is an achievement of status that identifies the workplace as a model for work-site safety and health. Upon receiving SHARP recognition, the work site becomes exempt from programmed OSHA inspections during the period that SHARP certification is valid. The initial SHARP approval is 2 years with subsequent periods increased to 3 years.

To remain in SHARP, the employer must:

- Apply for renewal during the last quarter of the exemption period.
- Allow a full-service comprehensive visit to ensure that an exemplary safety and health management system has been effectively maintained or improved.
- Continue to meet all eligibility criteria and program requirements.
- Agree, if requesting a multiple-year renewal of 2 or 3 years, to conduct annual self-evaluations and to submit a written report to the state consultation program manager that is based on the elements of the 1989 Safety and Health Program Management Guidelines and includes OSHA's required injury and illness logs.

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