

106TH CONGRESS  
1ST SESSION

# H. R. 1459

To authorize the Secretary of Labor to establish voluntary protection programs.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 1999

Mr. PETRI (for himself and Mr. ANDREWS) introduced the following bill;  
which was referred to the Committee on Education and the Workforce

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## A BILL

To authorize the Secretary of Labor to establish voluntary protection programs.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Models of Safety and  
5       Health Excellence Act of 1999”.

6       **SEC. 2. FINDINGS AND PURPOSES.**

7       (a) FINDINGS.—The Congress finds that—

8               (1) since 1982 the Occupational Safety and  
9       Health Administration has conducted voluntary pro-

1       tection programs designed to recognize excellence in  
2       occupational safety and health;

3               (2) Such programs have fostered partnerships  
4       between employers, employees and the Occupational  
5       Safety and Health Administration to improve work-  
6       place safety and health through the implementation  
7       of effective safety and health programs;

8               (3) employers participating in such programs  
9       provide their employees with a level of protection  
10       that substantially exceeds the level of protection pro-  
11       vided by compliance with the requirements of the  
12       Occupational Safety and Health Act of 1970; and

13              (4) as a result of these efforts, employers par-  
14       ticipating in such programs have experienced injury  
15       and illness rates that are on average less than half  
16       of their respective industry averages, sparing thou-  
17       sands of America's working families needless work-  
18       place tragedies.

19       (b) PURPOSES.—The purposes of this Act are to—

20              (1) recognize the exemplary leadership of vol-  
21       untary protection programs participants in improv-  
22       ing occupational safety and health at workplaces;

23              (2) encourage other employers to adopt such  
24       approaches to protect their workers; and

1           (3) to codify such programs to ensure that the  
2           Occupational Safety and Health Administration con-  
3           tinues to develop them in the future.

4 **SEC. 3. VOLUNTARY PROTECTION PROGRAMS.**

5           (a) IN GENERAL.—The Secretary of Labor or the  
6 Secretary’s authorized representative shall establish and  
7 carry out voluntary protection programs (in this section  
8 referred to as “programs”) to promote and recognize the  
9 achievement of worksites that demonstrate excellence in  
10 workplace health and safety. The Secretary may choose,  
11 in limited situations, to alter the application requirements  
12 in order to expand the scope of worksites participating in  
13 the programs to include nonstandard worksites such as  
14 short term construction sites and mobile worksites. The  
15 Secretary shall encourage the participants in the programs  
16 to share occupational safety and health expertise with  
17 other employers. The Secretary shall also encourage the  
18 participation of small business (as that term is defined  
19 by the Administrator of the Small Business Administra-  
20 tion) in the programs by implementing outreach and as-  
21 sistance initiatives in cooperation with program partici-  
22 pants and shall develop program requirements that ad-  
23 dress the needs of small businesses. The Secretary may  
24 provide for the development of equivalent programs in  
25 State plan States.

1 (b) PROGRAM REQUIREMENTS.—A program shall in-  
2 clude the following:

3 (1) APPLICATION.—Applications for participa-  
4 tion in the programs must be signed by the work-  
5 site’s management and to demonstrate sufficient em-  
6 ployee support. Employers who volunteer under the  
7 programs shall be required to submit an application  
8 to the Secretary of Labor demonstrating that the  
9 worksite, with respect to which the application is  
10 made, meets such requirements as the Secretary  
11 may require for participation in the program. Re-  
12 quirements for excellence shall include demonstra-  
13 tions of exemplary comprehensive programs to  
14 assure—

15 (A) top level management leadership and  
16 active and meaningful employee involvement;

17 (B) systematic assessment of hazards;

18 (C) comprehensive hazard prevention, miti-  
19 gation, and control programs;

20 (D) employee safety and health training;

21 and

22 (E) safety and health program evaluation.

23 (2) ONSITE EVALUATIONS.—There shall be on-  
24 site evaluations of each permanent worksite by rep-  
25 resentatives of the Secretary and others from the

1 private and public sector as determined by the Sec-  
2 retary.

3 (3) INFORMATION.—Employers who are ap-  
4 proved by the Secretary for participation in a pro-  
5 gram shall assure the Secretary that such informa-  
6 tion as is necessary to evaluate the employer's appli-  
7 cation and continued participation in the program is  
8 made available to the Secretary.

9 (4) REEVALUATIONS.—Periodic reevaluations  
10 by the Secretary shall be required for continued par-  
11 ticipation in a program.

12 (c) PROGRAM ADMINISTRATION.—

13 (1) EXEMPTIONS.—A worksite which has been  
14 selected to participate in a program shall, while par-  
15 ticipating in the program, be exempt from inspec-  
16 tions or investigations under the Occupational Safe-  
17 ty and Health Act of 1970, except that the exemp-  
18 tion shall not apply to inspections or investigations  
19 arising from employee complaints, fatalities, catas-  
20 trophes, or significant toxic releases.

21 (2) PROGRAM ACCEPTANCE AND CONTINUED  
22 PARTICIPATION.—Decisions regarding acceptance  
23 into the program and continued participation in the  
24 program will be based on the applicant's superior  
25 safety and health performance, as determined by the

1 Secretary or the Secretary's authorized representa-  
2 tives.

3 (3) PROGRAM PARTICIPATION.—Decisions re-  
4 garding participation in a program are in the sole  
5 discretion of the Secretary or an authorized rep-  
6 resentative of the Secretary.

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