

107TH CONGRESS
1ST SESSION

H. R. 2235

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 2001

Mr. PETRI (for himself, Mr. ANDREWS, Mr. ISAKSON, Ms. WOOLSEY, Mr. PAUL, Mr. LAHOOD, and Mr. HUTCHINSON) introduced the following bill; which was referred to the Committee on Education and Workforce

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 2001”.

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

7 (a) FINDINGS.—The Congress finds the following:

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 (29
13 U.S.C. 651 et seq.).

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

20 (b) PURPOSES.—The purposes of this Act are the fol-
21 lowing:

22 (1) To recognize the exemplary leadership of
23 voluntary protection programs participants in im-
24 proving occupational safety and health at work-
25 places;

1 (2) To encourage other employers to adopt such
2 approaches to protect their workers; and

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

6 **SEC. 3. VOLUNTARY PROTECTION PROGRAMS.**

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

1 may provide for the development of equivalent programs
2 in State plan States.

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

5 (1) APPLICATION.—Applications for participa-
6 tion in the programs shall be submitted by the work-
7 site’s management, shall reflect the support of a
8 substantial number of site employees, and, where ap-
9 plicable, shall have the express written support of
10 the collective bargaining representative of such em-
11 ployees. Employers who volunteer under the pro-
12 grams shall be required to submit an application to
13 the Secretary of Labor demonstrating that the work-
14 site, with respect to which the application is made,
15 meets such requirements as the Secretary may re-
16 quire for participation in the program. Such require-
17 ments shall include demonstrations of exemplary
18 comprehensive programs to assure—

19 (A) upper management leadership and ac-
20 tive and meaningful employee involvement;

21 (B) systematic assessment of hazards;

22 (C) comprehensive hazard prevention, miti-
23 gation, and control programs;

24 (D) employee safety and health training;

25 and

1 (E) safety and health program evaluation.

2 (2) ONSITE EVALUATIONS.—There shall be on-
3 site evaluations of each permanent worksite by rep-
4 resentatives of the Secretary and others from the
5 private and public sector as determined by the Sec-
6 retary.

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

13 (4) REEVALUATIONS.—Periodic reevaluations
14 by the Secretary shall be required for continued par-
15 ticipation in a program.

16 (c) PROGRAM ADMINISTRATION.—

17 (1) EXEMPTIONS.—A worksite which has been
18 selected to participate in a program shall, while par-
19 ticipating in the program, be exempt from inspec-
20 tions or investigations under the Occupational Safe-
21 ty and Health Act of 1970 (29 U.S.C. 651 et seq.),
22 except that the exemption shall not apply to inspec-
23 tions or investigations arising from employee com-
24 plaints, fatalities, catastrophes, or significant toxic
25 releases.

1 (2) PROGRAM ACCEPTANCE AND CONTINUED
2 PARTICIPATION.—Decisions regarding acceptance
3 into the program and continued participation in the
4 program will be based on the applicant’s superior
5 safety and health performance, as determined by the
6 Secretary or the Secretary’s authorized representa-
7 tives.

8 (3) PROGRAM PARTICIPATION.—Decisions re-
9 garding participation in a program are in the sole
10 discretion of the Secretary or an authorized rep-
11 resentative of the Secretary.

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