

111TH CONGRESS
2D SESSION

S. 3257

To authorize the Department of Labor’s voluntary protection program and to expand the program to include more small businesses.

IN THE SENATE OF THE UNITED STATES

APRIL 26, 2010

Mr. ENZI (for himself and Ms. LANDRIEU) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To authorize the Department of Labor’s voluntary protection program and to expand the program to include more small businesses.

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 “Voluntary Protection
5 Program Act”.

6 **SEC. 2. VOLUNTARY PROTECTION PROGRAM.**

7 (a) COOPERATIVE AGREEMENTS.—The Secretary of
8 Labor shall establish a program of entering into coopera-
9 tive agreements with employers to encourage the establish-

1 ment of comprehensive safety and health management sys-
2 tems that include—

3 (1) requirements for systematic assessment of
4 hazards;

5 (2) comprehensive hazard prevention, mitiga-
6 tion, and control programs;

7 (3) active and meaningful management and em-
8 ployee participation in the voluntary program de-
9 scribed in subsection (b); and

10 (4) employee safety and health training.

11 (b) VOLUNTARY PROTECTION PROGRAM.—

12 (1) IN GENERAL.—The Secretary of Labor shall
13 establish and carry out a voluntary protection pro-
14 gram (consistent with subsection (a)) to encourage
15 excellence and recognize the achievement of excel-
16 lence in both the technical and managerial protec-
17 tion of employees from occupational hazards.

18 (2) PROGRAM REQUIREMENTS.—The voluntary
19 protection program shall include the following:

20 (A) APPLICATION.—Employers who volun-
21 teer under the program shall be required to
22 submit an application to the Secretary of Labor
23 demonstrating that the worksite with respect to
24 which the application is made meets such re-

1 requirements as the Secretary of Labor may re-
2 quire for participation in the program.

3 (B) ONSITE EVALUATIONS.—There shall
4 be onsite evaluations by representatives of the
5 Secretary of Labor to ensure a high level of
6 protection of employees. The onsite visits shall
7 not result in enforcement of citations under the
8 Occupational Safety and Health Act of 1970
9 (29 U.S.C. 651 et seq.).

10 (C) INFORMATION.—Employers who are
11 approved by the Secretary of Labor for partici-
12 pation in the program shall assure the Sec-
13 retary of Labor that information about the
14 safety and health program shall be made read-
15 ily available to the Secretary of Labor to share
16 with employees.

17 (D) REEVALUATIONS.—Periodic reevalua-
18 tions by the Secretary of Labor of the employ-
19 ers shall be required for continued participation
20 in the program.

21 (3) MONITORING.—To ensure proper controls
22 and measurement of program performance for the
23 voluntary protection program under this section, the
24 Secretary of Labor shall direct the Assistant Sec-

1 retary of Labor for Occupational Safety and Health
2 to take the following actions:

3 (A) Develop a documentation policy re-
4 garding information on follow-up actions taken
5 by the regional offices of the Occupational Safe-
6 ty and Health Administration in response to fa-
7 talities and serious injuries at worksites partici-
8 pating in the voluntary protection program.

9 (B) Establish internal controls that ensure
10 consistent compliance by the regional offices of
11 the Occupational Safety and Health Adminis-
12 tration with the voluntary protection program
13 policies of the Occupational Safety and Health
14 Administration for conducting onsite reviews
15 and monitoring injury and illness rates, to en-
16 sure that only qualified worksites participate in
17 the program.

18 (C) Establish a system for monitoring the
19 performance of the voluntary protection pro-
20 gram by developing specific performance goals
21 and measures for the program.

22 (4) EXEMPTIONS.—A site with respect to which
23 a voluntary protection program has been approved
24 shall, during participation in the program, be ex-
25 empt from inspections or investigations and certain

1 paperwork requirements to be determined by the
2 Secretary of Labor, except that this paragraph shall
3 not apply to inspections or investigations arising
4 from employee complaints, fatalities, catastrophes,
5 or significant toxic releases.

6 (5) NO PAYMENTS REQUIRED.—The Secretary
7 of Labor shall not require any form of payment for
8 an employer to qualify or participate in the vol-
9 untary protection program.

10 (c) TRANSITION.—The Secretary of Labor shall take
11 such steps as may be necessary for the orderly transition
12 from the cooperative agreements and voluntary protection
13 programs carried out by the Occupational Safety and
14 Health Administration as of the day before the date of
15 enactment of this Act, to the cooperative agreements and
16 voluntary protection program authorized under this sec-
17 tion. In making such transition, the Secretary shall ensure
18 that—

19 (1) the voluntary protection program authorized
20 under this section is based upon and consistent with
21 the voluntary protection programs carried out on the
22 day before the date of enactment of this Act; and

23 (2) each employer that, as of the day before the
24 date of enactment of this Act, had an active coopera-
25 tive agreement under the voluntary protection pro-

1 grams carried out by the Occupational Safety and
2 Health Administration and was in good standing
3 with respect to the duties and responsibilities under
4 such agreement, shall have the option to continue
5 participating in the voluntary protection program
6 authorized under this section.

7 **SEC. 3. EXPANDED ACCESS TO VOLUNTARY PROTECTION**
8 **PROGRAM FOR SMALL BUSINESSES.**

9 The Secretary of Labor shall establish and imple-
10 ment, by regulation, a program to increase participation
11 by small businesses (as the term is defined by the Admin-
12 istrator of the Small Business Administration) in the vol-
13 untary protection program established under section 2
14 through outreach and assistance initiatives and the devel-
15 opment of program requirements that address the needs
16 of small businesses.

17 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

18 There is authorized to be appropriated to carry out
19 this section such sums as may be necessary for fiscal year
20 2010 and each succeeding fiscal year.

○