To authorize the Department of Labor’s voluntary protection program.

IN THE SENATE OF THE UNITED STATES

APRIL 28, 2016

Mr. Enzi (for himself and Mr. Bennet) 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.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Voluntary Protection
Program Act”.

SEC. 2. VOLUNTARY PROTECTION PROGRAM.

(a) COOPERATIVE AGREEMENTS.—The Secretary of
Labor shall establish a program of entering into cooper-
avtive agreements with employers to encourage the establish-
ment of comprehensive safety and health management systems that include—

(1) requirements for systematic assessment of hazards;

(2) comprehensive hazard prevention, mitigation, and control programs;

(3) active and meaningful management and employee participation in the voluntary program described in subsection (b); and

(4) employee safety and health training.

(b) VOLUNTARY PROTECTION PROGRAM.—

(1) IN GENERAL.—The Secretary of Labor shall establish and carry out a voluntary protection program (consistent with subsection (a)) to encourage excellence and recognize the achievement of excellence in both the technical and managerial protection of employees from occupational hazards.

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

(A) APPLICATION.—Employers who volunteer under the program shall be required to submit an application to the Secretary of Labor demonstrating that the worksite with respect to which the application is made meets such re-
requirements as the Secretary of Labor may require for participation in the program.

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

(C) INFORMATION.—Employers who are approved by the Secretary of Labor for participation in the program shall assure the Secretary of Labor that information about the safety and health program shall be made readily available to the Secretary of Labor to share with employees.

(D) REEVALUATIONS.—Periodic reevaluations by the Secretary of Labor of the employers shall be required for continued participation in the program.

(3) MONITORING.—To ensure proper controls and measurement of program performance for the voluntary protection program under this section, the Secretary of Labor shall direct the Assistant Sec-
Secretary of Labor for Occupational Safety and Health to take the following actions:

(A) Develop a documentation policy regarding information on follow-up actions taken by the regional offices of the Occupational Safety and Health Administration in response to fatalities and serious injuries at worksites participating in the voluntary protection program.

(B) Establish internal controls that ensure consistent compliance by the regional offices of the Occupational Safety and Health Administration with the voluntary protection program policies of the Occupational Safety and Health Administration for conducting onsite reviews and monitoring injury and illness rates, to ensure that only qualified worksites participate in the program.

(C) Establish a system for monitoring the performance of the voluntary protection program by developing specific performance goals and measures for the program.

(4) EXEMPTIONS.—A site with respect to which a voluntary protection program has been approved shall, during participation in the program, be exempt from inspections or investigations and certain
paperwork requirements to be determined by the
Secretary of Labor, except that this paragraph shall
not apply to inspections or investigations arising
from employee complaints, fatalities, catastrophes,
or significant toxic releases.

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

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

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

(2) each employer that, as of the day before the
date of enactment of this Act, had an active coopera-
tive agreement under the voluntary protection pro-
grams carried out by the Occupational Safety and Health Administration and was in good standing with respect to the duties and responsibilities under such agreement, shall have the option to continue participating in the voluntary protection program authorized under this section.

(d) REGULATIONS AND IMPLEMENTATION.—Not later than 2 years after the date of enactment of this Act, the Secretary of Labor shall issue final regulations for the voluntary protection program authorized under this section and shall begin implementation of the program.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act such sums as may be necessary.