

VPPPA Background Information – OSHA VPP Modernization Survey



Recently, OSHA published and requested public participation in the agency's VPP Modernization Survey as the agency seeks to, "modernize, improve and expand the various pathways that employers can establish and improve their safety and health programs, with the pinnacle being Voluntary Protection Program (VPP)."

VPPPA has worked with OSHA since its inception to continuously improve and strengthen the Voluntary Protection Program. As the nation's support organization for OSHA's cooperative programs, VPPPA and its members are uniquely positioned to provide expert input on the program's past, present and future.

This document is designed as an educational tool to provide background information and insight into each section of OSHA's VPP Modernization Survey for VPPPA members and stakeholders. Individual responses to the questions in the survey should be tailored to each site's specific experiences with VPP.

Please direct any questions or comments concerning this document to Chris Williams, VPPPA Executive Director, at cwilliams@vpppa.org.

I. General Observations

VPPPA believes that VPP, in general, is an effective program with many positive elements. These include:

- The perception of VPP as the "gold standard" of SHMSs because of OSHA's direct involvement in the audit process. Any alteration to OSHA leading this gold standard SHMS could potentially degrade the value of the program.
- The comprehensive involvement of management, labor and OSHA in developing a complete safety & health management system within sites and companies.
- The perceived value that a site/company achieving VPP Star status holds with clients, customers, peers, stakeholders and the public.
- The required annual self-evaluation process and continuous improvement feedback from OSHA that allows sites/companies to engage in the nonstop advancement of health and safety excellence for not only their own establishments, but for industry as a whole.

Much like every EHS&S program, VPP can engage in continuous improvement to strengthen the program, such as:

- Consistent commitment and support of the program from all departments across OSHA to eliminate the potential for uncertainty to surround the future of VPP.
- Deemphasizing the use of lagging indicator performance in favor of leading indicator metrics for program qualification/requalification.
- Reducing the backlog of applications and lack of movement in increasing the number of VPP sites/companies nationwide.
- Increasing the use of Special Government Employees (SGEs) to alleviate existing backlogs and to supplement OSHA's application review efforts.
- Addressing the lack of recognition for third-party safety management evaluation products that can provide a foundation SHMS for VPP.

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- The lack of a construction-specific VPP addressing the unique environments and challenges that construction companies work in.
- Decisions and/or direction on the future of a potential Corporate VPP program.

II. Incentives to Participate

Achieving VPP Star status is considered a major achievement for both sites and the parent company. The motivation to improve safety and health comes more from the culture change that VPP sites undergo during the qualification process, as well as in the continuous improvement required to maintain that status. Further, the ongoing relationship with OSHA to sustain exemplary safety performance through a positive safety culture as recognized by OSHA serves as an incentive for sites and companies to strive to achieve health and safety excellence.

The exemption from programmed inspections should be viewed as a benefit that results from sites working to achieve and maintain VPP status. It is a motivator to engage in continuous improvement in order to maintain VPP. Internally, OSHA could communicate and educate all departments of OSHA on the high standard and level of accomplishment that workplaces achieve to gain their understanding of the value of VPP and, more importantly, to create internal buy-in to support the program across the entire Administration and to leverage that Administration-wide support for marketing VPP to potential sites and companies. It should be noted that OSHA audits worksites far more under the VPP program than under programmed inspections. Thus, the need to perform programmed inspections at VPP star sites was determined duplicative by OSHA.

VPP is founded on three “pillars” of collaborative safety and health excellence—management commitment, regulatory evaluation and employee involvement. To this end, OSHA should strengthen its recognition of labor’s involvement with, and commitment to, VPP. By providing recognition to both unions and front line workers, OSHA can further incentivize their continued involvement in VPP to create the conditions for a collaborative EHS&S program.

III. Assessing SHMS Effectiveness

VPPPA believes that leading indicator use and metrics should be emphasized over lagging indicator performance, as the latter is reflective of past performance and not necessarily of a site’s current safety and health culture. Further, formulas used to calculate lagging indicator performance contain an inherent bias that negatively affects smaller sites under 200,000 annual hours worked.

Lagging indicator performance could be deemphasized if a weighted system were used. For example, establishing DART and TCIR as 25% of the total evaluation scoring for VPP applicants and participants creates an environment where a site/company’s commitment to injury and illness prevention, and leading indicator use, becomes the primary factor in their evaluation.

The following list of leading indicators, while not a comprehensive compilation, are an example of those that OSHA could use to assess the performance and effectiveness of VPP participants’ safety & health management system:

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- a. Near miss data
- b. Prevention through Design use
- c. Management/scheduling of corrective actions
- d. Internal safe work practice audits to include:
 - i. Safe Work Permitting compliance %
 - ii. Safety Meeting/Committee Attendance
 - iii. JHA/JSA % compliance
 - iv. Response time for near miss reporting
 - v. Joint Job site audits involving Management and Labor.

IV. Use of Consensus Standards as A Pathway to VPP

Consensus standards provide an excellent pathway into creating a total safety and health management system. However, they do not encompass all of the elements that a site or company must employ to achieve VPP status. As such, a separate pathway for sites or companies who employ SHMS consensus standards is not necessary. Indeed, SHMS consensus standards, such as ANSI Z10 and ISO45001, should be considered as like components of certain elements of VPP qualification, which would allow for a streamlined application and review process.

While systems-based SHMS should be weighted when evaluating the performance of a site or company applying for, or participating in, VPP, creating a separate pathway for sites already ISO 45001 or ANSI Z10 certified could lead to a perception that these standards are a replacement for VPP. The value of VPP is in the OSHA-led audit process that validates a site's/company's safety culture, management commitment to worker safety and health, and employee involvement in developing and maintaining high-performing safety culture and processes. Consensus standards, while valuable, do not require the same stringent audit process from a true third party auditor (OSHA) at present.

Organizations who employ SHMS consensus standards, or who participate in third-party SHMS evaluation programs, should still be required to complete the VPP application and meet the program's qualification requirements. SHMS consensus standards and third-party SHMS evaluation programs should be considered components of VPP and be validated as part of a site/company's VPP application, and given weighted credit once validated. The VPPPA is working with OSHA to convene a task force of VPP and SHMS stakeholders to determine the similarities and value of these components as they relate to VPP.

V. Role of Accredited Certification Bodies in VPP Reviews

While organizations such as VPPPA can certainly assist in performing initial VPP application reviews, the value in the program lies in OSHA's involvement leading this effort. Increasing the use of SGEs in the review process, as conducted in historical practices when a regional or area office operates with a backlog of applicants, should be employed.

OSHA is examining the use of a hybrid SHMS certification option that would combine elements of VPP with existing consensus standards to streamline the VPP application process. Simply put, VPP is the gold standard of SHMS options. Creating a hybrid option could potentially weaken the value of VPP and

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create confusion among external parties regarding recognition. Again, OSHA could identify similarities with SHMS consensus standards such as ANSI Z10 and ISO45001 and create a streamlined process for recognizing those similarities as like components of VPP for qualification purposes.

The value of the application and recertification process audit conducted by OSHA should again not be understated. It validates not only the information supplied by VPP applicants but, because it is led by OSHA, it serves as a validation of the program and achieving Star status. The audit process should be conducted by OSHA, as it is the backbone of VPP and OSHA's direct involvement on site is considered one of, if not the, most valuable benefit of the program.

VPPPA understands the limited resources available to OSHA and the demands that cooperative programs places on them. Expansion of the use of SGEs to serve as team & co-team leaders could be implemented, allowing OSHA to maintain direct involvement and oversight of these programs.

VI. Role of Certified Safety and Health Professionals in VPP Reviews

Safety and health professionals certified by various accrediting bodies are a valuable asset to any site or company's EHS&S program. Their expertise is important in aiding in compliance assistance and overall safety performance. However, OSHA has an abundance of ready, willing and able EHS&S professionals ready to assist in the form of SGEs. Further, OSHA currently maintains a list of safety & health professional's certifications and could engage these professionals to become SGEs and assist them in performing VPP application reviews. VPPPA believes that the SGE network is capable of conducting application reviews and encourages OSHA to work with organizations like VPPPA to expand the SGE network.

VII. Tiered VPP

The current structure of OSHA's compliance assistance programs should be viewed as a tiered pathway to VPP qualification and recognized as such. The exemption from programmed inspections should be incentive enough for sites/companies involved in OSHA's other compliance assistance programs to pursue VPP Star status. However, OSHA could pursue partnerships with safety and health organizations such as VPPPA to provide training and education resources to help companies/sites in these efforts.

VIII. Effective VPP Administration

OSHA should collect leading indicator data from all VPP applicants and participants, including:

- a. Near miss data
- b. Prevention through Design use
- c. Management/scheduling of corrective actions
- d. Internal safe work practice audits to include:
 - i. Safe Work Permitting compliance % (if applicable to the site)
 - ii. Safety Meeting/Committee Attendance
 - iii. JHA/JSA % compliance
 - iv. Resolution time for near miss reporting
 - v. Joint Job site audits involving Management and Labor

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OSHA is exploring the use of third-party reviewers to conduct on-site evaluations in order to lessen the administration burden on OSHA employees. In discussing this potential option with current VPP sites, the consensus appears to be that third-party reviewers should not be used to conduct on-site evaluations, as it greatly lessens the perceived value of the program among participants and could lead to a significant loss of sites.

Rather, OSHA should work with stakeholder organizations like VPPPA to develop technology platforms that streamline the application and review process for OSHA and end users alike. To that point, VPPPA has a ready-made solution in our partnership with VPP Online that can be adapted to serve this purpose and we encourage OSHA to allow stakeholders such as VPPPA to pursue this option. VPPPA welcomes OSHA's ongoing collaboration to streamline the entire VPP certification process.

IX. VPP Worker and Safety Professional Involvement

OSHA should be applauded for recognizing the value of the SGE program and continuing to support it throughout the years. SGEs should be used far more liberally than at present in the application review and audit process to provide additional capacity for OSHA and reduce potential backlogs.

SGE training should continue to be standardized across providers to create a uniform body of knowledge and experience that SGEs are required to absorb prior to appointment.

X. VPP Name

The Voluntary Protection Program has stood for Safety & Health Management System Excellence for over 40 years. Rebranding in other ways to include greater involvement of labor and management participation should be considered over a name change.

OSHA should consider the negative impacts of changing the name, including the potential degradation of the stature and legacy of the program.