



**HEALTHIER WORKPLACES | A HEALTHIER WORLD**

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Andrew Levinson, MPH  
Director  
Directorate of Standards and Guidance  
U.S. Department of Labor

## **AIHA's Recommendations on Modernizing OSHA's Voluntary Protection Programs**

Docket No. OSHA-2022-0012

Dear Director Levinson:

AIHA, the association for scientists and professionals committed to preserving and ensuring occupational and environmental health and safety (OEHS), appreciates the opportunity to provide feedback on modernizing OSHA's Voluntary Protection Programs (VPP). We hope you find our feedback useful and are happy to answer any questions you may have.

### **What is working well with VPP?**

Incorporating "management commitment and worker involvement" as one of the elements of the VPP's evaluation is an integral component of a health and safety program's overall success and culture.

### **What could be improved?**

The VPP's overall goal of reducing injuries and illnesses seems to focus on compliance and implies a positive health and safety culture. However, injury and illness reductions may not be directly correlated to compliance issues or an overall positive health and safety culture. It may be possible to more accurately understand an organization's overall health and safety culture through integrating randomization in the selection of management and workers in the VPP interviews or performing random root cause analyses on past incidents or asking questions specifically on company environmental health and safety (EHS) culture and psychological safety. Many organizations are motivated to action when government entities are onsite. The VPP could help reveal organizational challenges to help improve health and safety cultural components beyond compliance.

The marketing of the VPP could also be improved. Questions that should be proactively answered include: Besides inspection avoidance, what other benefits exist to a VPP participant? If organizations invest the time, what will they gain?

When the VPP was initiated, it used lagging indicators as measurements to guide and rate the performance of participants. Through the decades since VPP started, many progressive companies have successfully used leading indicators as better predictors of future health and safety company performance. Accordingly, the VPP should adapt and adopt more leading indicators into its metrics for program evaluations. For instance, companies that were prepared for the pandemic fared much better than those that only reacted to it. Preparation for events such as environmental situations (e.g., floods, wildfires, hurricanes, tornados), as well as biological outbreaks (e.g., COVID-19, MERS, SARS, TB, Ebola) are important considerations that companies need to be prepared for, however, too often they are only in a reactionary mode. Changes to the VPP that emphasize the need for preparedness should be considered.

Digitalization of health and safety has become a valuable tool for companies to track engagement in programs that have been implemented. This helps free staff resources to work on creating more and better health and safety programs, rather than just monitoring them. Increased emphasis by the VPP on the digitization of health and safety would be an improvement to this program as well as OSHA.

Construction has and continues to have high rates of injuries. There currently isn't a construction-specific VPP that could address their specific types of work and their ever-changing workplace and worksite.

Increasing OSHA staff to help with Special Government Employees (SGEs) could help in reducing review times and efforts as well as reduce company frustrations with trying to get the necessary help they need to embrace VPP.

## **What has not worked well with VPP?**

Issues with VPP include:

- VPP evaluations may be led inconsistently from site to site.
- Issues that could lead to catastrophic events can be missed.
- A fatality or catastrophic event could occur at a VPP site, and the site could remain in the program.

One of the most important items to having a successful VPP is continuous timely feedback from OSHA regarding a company's efforts in health and safety. If feedback is late or missed, then the need for improvements is either late or does not happen, leading to a lack of improvement and, potentially engagement. Strengthening both the depth of feedback as well as its timeliness should be given priority by OSHA.

## **To what extent does OSHA's recognition as a VPP participant motivate organizations to improve safety and health?**

Obtaining VPP Star can be a great motivator. Sites work very hard to fly the VPP flag, as it helps them build and maintain credibility and attract and retain customers and workers.

## **Is the existing exemption from programmed inspections an effective motivator, and are they sufficient?**

At times, no. For employers, such as those applying for VPP, these rarely come up anyway. Additionally, if there is a major incident at a VPP, site they are still subject to inspection and potential fines.

## **Does the existing exemption from programmed inspections create any concerns about workplace safety and health at these facilities?**

No, meeting the established criteria used to vet VPP status demonstrates a high level of commitment and that an associated culture of safety is in place.

## **What other incentives could OSHA offer to encourage VPP participation?**

OSHA should partner with other government agencies to provide tax advantages. This would help EHS staff to share with executives the importance of investing in employees for multiple benefits, including bottom-line savings, incorporating business implications to show the value of an investment in human assets.

Additionally, the government should consider providing grant money to those willing to participate in VPP to continue the pursuit of excellence.

## **Should all types of workplaces be included in the scope of VPP?**

Yes, as it could open up participants to have greater best practice sharing across multiple processes that might not seem to have any relation, yet they possess the potential to improve safety and health.

## **Should the manufacture or use of any specific hazardous materials preclude involvement or require special conditions?**

No. It is not within OSHA's mandate to specify what companies make or use to make their products.

## **What criteria should OSHA consider for eligibility in VPP?**

Currently, most eligibility is based on lagging health and safety indicators; AIHA recommends that consideration be given to more leading indicators<sup>1</sup>. For example, the use of JSA and JHA, near miss data reporting and responses to it, involvement of labor with management in internal auditing of health and safety, initiating joint safety and health committees, attendance at these JSHA's and resolution results from these committees, implementation of health and safety design in workplaces, proactive planning for crisis situation and auditing permitting compliance for confined space entries or other high hazard jobs.

It would also be beneficial if OSHA provided insight into health and safety resource requirements and then applied that to eligibility (i.e., one EHS staff member to 150 or 200 employees). Other countries require this as a cost of doing business. This would ultimately provide leverage for companies to reference and adequate staff to achieve certification (or at least meet the certification criteria).

## **What concerns exist with the use of injury rates for participation in VPP?**

Lagging indicators of health and safety are not good measurements or predictors of current and future health and safety. Injury rates are a prime example of a lagging indicator. As stated in our “Best Practice Guide for Leading Health Metrics in Occupational Health and Safety Programs” Guidance Document,<sup>2</sup>

“Unfortunately, lagging metrics are not preventive, as worker health has already been impacted. Because of the lag time between exposure and adverse health effects, such metrics can give false reassurance when the physical manifestation from an adverse exposure is not yet present. Furthermore, an absence of documented illness or disease does not necessarily equate to an absence of hazardous exposures in the work environment or inherent in the work. Also, lagging metrics do not generally drive actions or behavior changes that can reduce workplace risk.”

On the other hand, the Guidance Document continues,

“leading metrics can assist with prediction of and influence on health and safety performance related to occupational illness and worker health. Many common leading metrics currently in use focus on safety-related injuries and outcomes...”

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<sup>1</sup> For additional information, please see our “Best Practice Guide for Leading Health Metrics in Occupational Health and Safety Programs”, available at (PDF) <https://aiha-assets.sfo2.digitaloceanspaces.com/AIHA/resources/Guidance-Documents/Best-Practice-Guide-for-Leading-Health-Metrics-in-Occupational-Health-and-Safety-Programs-Guidance-Documents.pdf>

<sup>2</sup> Ibid.

However, leading health metrics could be extremely useful and important in promoting behaviors and actions shown to correlate with improved worker health.”

For these reasons, and those stated throughout our comments, OSHA should consider adding leading health metrics/indicators to the VPP.

**Should OSHA consider the relative importance of various criteria (e.g., a weighting system) for eligibility and performance criteria, to reflect the performance of VPP applicants and participants more accurately?**

A weighing system is not necessary; the criteria are very comprehensive, and each facet is equally important.

**What weight should DART and TCIR be given in an overall assessment of the effectiveness of a VPP participants' SHMS?**

The weight should be the same as other elements. This metric is important, although a lagging indicator, it allows for a direct comparison versus others in the same industry.

**What leading indicators should OSHA consider using to assess the performance of VPP participants' SHMS?**

Leading indicators that OSHA should consider to assess the performance of the VPP participants' SHMS include:

- EHS training participation (i.e., 95% completion rate).
- Include Behavior Based Safety inspection performance.
- Near miss follow-up.
- Possibly, plant field inspection rate.
- The completion rate for safety work orders and days to completion; are action items tracked from incidents, safety committees, etc.?
- Closure rates. Is there a hazard recognition/reporting system and how it is tracked?

**Should any programs, policies, or practices that may affect injury reporting be excluded from VPP site SHMS?**

No, these should all be looked at and given consideration in the overall program for a site or organization. It could discount programs that affect injury reporting in a positive way and for those that might not, it could give those sites an opportunity to change or improve, especially if program tiers are in place to reach the next level.

**Should OSHA create a new and separate pathway for organizations that are already certified to SHMS consensus standards to join VPP?**

This would make sense. OSHA should perform a gap assessment between reputable consensus standards and the VPP criteria and publish the results, clearly indicating where

the consensus standards fall short or exceed the VPP criteria. If the standards are equal to or exceed the VPP criteria, OSHA should create a pathway for credit to streamline the VPP submission and evaluation processes.

**What additional criteria, if any, should such organizations be required to meet to be eligible for VPP recognition?**

Please see our above responses.

**Are there any current VPP application requirements that should be waived for organizations already certified to SHMS consensus standards such as ISO 45001?**

Please see our above response regarding consensus standards.

**Should organizations that *voluntarily* follow any of these consensus standards (including OSHA's Recommended Practices), but that have not been certified by a third party, have an easier path to VPP?**

Please see our above response regarding consensus standards.

**What concerns exist for facilities that are voluntarily following or are certified to a consensus standard such as ISO 45001 that might reduce the effectiveness of their entry to the VPP program through an alternative entrance route?**

Following consensus standards such as ANSI/AIHA Z10-2012, CSA Z1000-19 or ISO 45001:2018 are excellent ways for organizations to increase their safety and health awareness and make their programs more robust. Elements that are in these various consensus standards can be used in the evaluation and application of VPP, however, conformance to the consensus standards alone should not be considered as equivalent to or a replacement for the VPP program, but rather an adjunct to it. Following consensus standards does not have the same legitimacy that the audit process from a third-party auditor provides (OSHA in the case of VPP).

**Is there a role for certification bodies who are accredited to audit organizations for conformance to SHMS consensus standards to perform or assist in performing VPP application reviews?<sup>i,ii</sup>**

Organizations such as the AIHA could certainly assist and assess a company's program and application submission to reduce the effort required by OSHA to affirm the application. The importance of OSHA specifying which SHMS would be recognized as acceptable to OSHA would certainly help in reducing the potential for charlatans to pose as SGE's at the detriment to both companies and ultimately the application submission.

## **Should OSHA engage with certification bodies and those who accredit them to create a hybrid SHMS certification option for industry (e.g., ISO 45001-VPP)?**

In short, 'no'. Creating a hybrid SHMS certification has the potential of diluting the existing VPP and potentially reducing it from the gold standard it is to something less. Enhancing the VPP and making it more efficient and effective for all companies should be the goal rather than replacing it with a hybrid model.

## **Are there aspects of the VPP review that would not be suitable for SHMS certification bodies to perform?**

The short answer is 'yes', but what particular aspect(s) of the VPP could be reviewed by such bodies depends solely on what certification body you are talking about. For instance, AIHA would be very good at reviewing all aspects of industrial hygiene rubrics.

## **Is there a role for certified safety and health professionals (e.g., CSP or CIH) or senior worker safety and health representatives (e.g., a long-term safety committee member) to perform (or assist in performing) VPP application reviews?**

Due to their experience and knowledge, as shown by their certifications, there is a role for certified health and safety professionals to play in helping to perform and assisting in the VPP application review. OSHA should continue to enlist the help of these SGE's as well as companies in all aspects of the VPP.

## **Should OSHA engage with organizations that credential safety and health professionals to create a designation or special training that helps such professionals demonstrate their competence to perform VPP reviews?**

Health and safety professionals should already possess the health and safety knowledge required to help companies with the required rubrics of the VPP. However, special training on completing the VPP application could help health and safety professionals in expediting the application process. While no designation is strictly necessary, demonstrating that someone has completed this special training may lend further credibility to those who perform reviews.

## **Are there any aspects of the review that would *not* be suitable for certified safety and health professionals or senior worker safety and health representatives to perform?**

This largely depends on the health and safety professional's knowledge and experience; however, it should be recognized that certification is meaningful.

## **Are there other credentialed safety and health professionals who should be allowed to perform or assist in VPP application reviews?**

For the continued success of the VPP program only accredited health and safety professionals should be assisting or performing the VPP application reviews.

## **Should OSHA consider a tiered approach to VPP?**

Yes, as a facility may be able to meet VPP criteria at one level, however, with improvements can reach another. Such an approach could be based on the tiers in place currently and on the size of the facility or organization, including what improvements would be needed to take them to the next level and allow for action plans to be put in place to reach that next tier. Such a system could be a useful motivator for organizations to improve health and safety.

## **What criteria could the VPP program use to distinguish between, for example, a new participants tier, a tier for organizations with fully functional SHMS programs, and VPP participants who are truly exceptional?**

The program could take all the elements that it currently looks at and break them down into the levels such as:

- Meets criteria, but may not have the robust programs or controls of a fully functioning SHMS
- Exceeds criteria

OSHA should consider what is exceeded (additional programs, reporting and tracking systems in place, certified professionals, training qualifications, etc.).

## **What benefits could OSHA provide that would encourage organizations to improve their performance and move from a lower to a higher tier?**

The existing OSHA structure of compliance assistance programs can already be viewed as a tiered pathway to VPP qualification. The current exemption from programmed inspections is a substantial incentive for companies to pursue the VPP Star status. As mentioned above, OSHA should pursue partnerships with safety and health organizations such as AIHA to provide expertise to companies in their efforts to be part of the VPP.

## **What data should be collected during the initial application process and periodic evaluations to ensure that VPP applicants are, and remain, eligible to participate in VPP?**

As mentioned with examples in several other areas, collecting leading indicator data would be a positive and proactive way of helping to ensure that VPP companies continue to remain health and safety leaders and not just compliant with statute.

**Are there issues related to data integrity and confidentiality in the collection and storage of data from VPP initial applications and periodic evaluations? If so, how should these issues be addressed?**

Data integrity and the confidentiality of that data are paramount. OSHA should ensure that whatever data is submitted to them by companies or on behalf of companies from third parties remains confidential as would be expected by any government agency

**If OSHA were to engage or authorize third-party reviewers to conduct on-site evaluations, what review process should be used to ensure the quality of the data produced during such evaluations?**

If credentialed third-party reviewers were used, then only a statistically significant number of periodic reviews of the evaluation would need to be conducted. If the reviews showed ongoing conformance to the evaluation process, then nothing further would be needed. If the reviews showed that there were gaps in the evaluation process, then this should be revisited and corrected accordingly.

**How can OSHA use technology and the internet to streamline and improve VPP? For example, should OSHA develop an online application and renewal system? Should OSHA create a VPP webpage dedicated to sharing best practices?**

Both suggestions in this question should be answered affirmatively. Use of technology, including the Internet, should help make the application and renewal processes easier and more robust. There are very few companies in the United States that don't use this type of technology on a daily basis to increase efficiency and OSHA should too.

**What steps can OSHA take to ensure that any use of third-party certification does not result in facilities with less than exemplary SHMS being admitted to the program?**

Third-party certification does not guarantee acceptance into the VPP nor does it imply that once in the VPP that the third-party certification will be enough to maintain the VPP star rating. The audits and reviews of VPP programs will continue to eliminate those companies that don't meet the VPP requirements.

**OSHA utilizes Special Governmental Employees to assist with the evaluation process. Should SGE use be expanded to provide additional capacity to the program?**

OSHA should be applauded for instituting the SGE program and for recognizing its value in contributing to increased safety and health at workplaces. SGEs should be used more

frequently in the application review and audit processes which could increase the throughput by OSHA thereby reducing backlogs.

### **Should SGE training be standardized to ensure consistency?**

Standardization helps to ensure consistency and establish a baseline of knowledge. Having the SGE training standardized will help the SGEs conduct better reviews and audits and ensure that equity and parity are achieved for all VPP participants.

### **Are there items that should be included in SGE curricula that are not currently included?**

This question should be posed to those who have participated already as SGEs. Their input should be helpful in identifying any gaps in the current curricula as well as showing what enhancements could be added to the SGE curricula.

### **Should OSHA consider “rebranding” VPP and giving it a new name?**

For over 40 years the Voluntary Protection Program has stood for safety and health management system excellence. A program name is very important as it gives insights, information, and instant recognition regarding the substance of the program. Rebranding of the VPP, unless carefully considered, may decrease the VPP’s 40+ years of recognition. OSHA should consider the possible negative impacts of changing the name, including the potential degradation of the stature and legacy of the program.

Instead of rebranding, OSHA should consider increasing the marketing of the current VPP brand to drive greater participation and impact.

### **What considerations should OSHA factor in when considering any new program name?**

Please see our above response.

### **Should OSHA sponsor a naming contest for the program?**

In addition to considering our above response, OSHA should keep in mind that while a naming contest sounds exciting, in reality, it takes considerable time and effort – it is not as simple as circulating a survey and selecting a name. Names and brands carry meaning and great care should be taken to protect and build on the value the program currently possesses.

### **Thank You**

AIHA appreciates the opportunity to provide feedback on modernizing OSHA’s Voluntary Protection Programs. We hope you find our feedback useful and are happy to answer any questions you may have on AIHA’s responses to this RFI or other matters. Please contact me at any time at [mames@aiha.org](mailto:mames@aiha.org) or (703) 846-0730.

Sincerely,



Mark Ames  
Director, Government Relations  
AIHA

## About AIHA

AIHA is the association for scientists and professionals committed to preserving and ensuring occupational and environmental health and safety in the workplace and community. Founded in 1939, we support our members with our expertise, networks, comprehensive education programs, and other products and services that help them maintain the highest professional and competency standards. More than half of AIHA's nearly 8,500 members are Certified Industrial Hygienists, and many hold other professional designations. AIHA serves as a resource for those employed across the public and private sectors as well as to the communities in which they work. For more information, please visit [www.aiha.org](http://www.aiha.org).

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<sup>i</sup> Currently, the ANSI-National Accreditation Board (ANAB) website identifies 22 certification bodies it has accredited to conduct ISO 45001 conformance reviews in the U.S. See:

<https://anabdirectory.remoteauditor.com>.

<sup>ii</sup> "Accreditation" is the process through which a certification body demonstrates it has the competence and capacity to undertake assessments and determine conformance to a particular standard. "Certification" of an organization's management system is granted following an assessment by a certification body and their determination that the system conforms to the standard against which it is being assessed.