



May 9, 2016

Honorable Mike Enzi
United States Senate
SR-379A Russell Senate Office Building
Washington, DC 20510-5004

Honorable Michael F. Bennet
United States Senate
SR-261 Russell Senate Office Building
Washington, DC 20510-0609

RE: S. 2881 – Voluntary Protection Program

Dear Senator Enzi and Senator Bennet:

On behalf of the American Industrial Hygiene Association (AIHA) I am pleased to offer our support for your legislation, S. 2881, the “Voluntary Protection Program Act”. Thank you for your efforts to support this successful program that provides workers a healthy and safe workplace.

Since 1982, the Voluntary Protection Program (VPP) has created a culture of workplace health and safety in more than 2200 workplaces covering approximately one million employees across the United States. Employers, employees and other stakeholders recognize this program as a success that not only should be continued but expanded. Enactment of S. 2881 is a huge step in the right direction.

AIHA has reviewed S. 2881 and supports the bill in its entirety. Under your legislation VPP would continue to be a comprehensive workplace safety and health management system that is built on cooperation among workers, employers and government. Codifying the VPP program will provide assurance that the program continues, is provided adequate funding, and is expanded to assist small business. Enactment also provides direction to OSHA on how best to monitor and evaluate the program to garner the most efficiency from the program.

AIHA could not have expressed our view of the VPP any better than during our April 2010 testimony before the Senate Health, Education, Labor and Pensions Committee when AIHA said:

“Strong penalties and enforcement alone are not sufficient to achieve improved worker health and safety. AIHA supports an approach in which stronger penalties and enforcement are balanced by providing more compliance assistance and supporting efforts to develop occupational health and safety professionals.”

Employers need guidance and support to identify hazards and control measures, and to understand regulatory requirements and how to comply with rules and regulations in ways that are practical and in harmony with the employer's daily business practices. There are numerous successful ways in which employers receive the support and assistance they need.

One of the most successful is the Voluntary Protection Program (VPP). VPP sites add value to worker health and safety protection through a systematic approach of management and employee involvement in creating a sustainable healthy and safe workplace. This program has grown considerably since its inception and AIHA supports continuation of the program. OSHA has indicated its continued support of the program, albeit appropriating fewer resources to the program in the future. A 2009 Government Accountability Office report stated that improved oversight and controls would better ensure program quality. AIHA hopes OSHA and the Voluntary Protection Program Participants Association (VPPPA) work together to see that the program remains a viable and successful means to better worker health and safety. AIHA hopes this Senate Committee feels the same way and ensures adequate funding to support the VPP."

It is AIHA's hope that enactment of S. 2881 would also expand the program to small businesses, historically underserved workplaces in terms of health and safety protection and health and safety compliance. These companies and businesses too often do not have access to health and safety professionals or to the financial resources, skills, or technical expertise needed to implement many of the OSHA required programs and regulations to protect its workforce.

The success of the VPP is also recognized in the states. Virginia recently became the second state in the nation (following Indiana in 1995) to codify the VPP as part of the state's workplace health and safety program when legislation became law on July 1, 2015. AIHA supported this legislation and is hopeful several additional states will consider this move in the coming year.

AIHA is aware of the limited resources of the Federal government and suggests OSHA consider additional ways to recognize and use an existing pool of qualified and competent professionals such as industrial hygienists and safety professionals to provide employers the needed guidance and technical expertise. AIHA encourages OSHA to develop a third party workplace review program that might alleviate some of the cost of the VPP. The third party workplace review program was developed by AIHA, the American Society of Safety Engineers (ASSE) and others several years ago and was included in previous legislation known as the "SAFE Act". Perhaps it is time to revisit this approach and determine whether such a program might be viable.

In conclusion, AIHA stands ready to assist in any way possible as you move forward with S. 2881 and any other means to address occupational health and safety. Thank you again for your continued efforts.

Should you require additional information or if we can be of any further assistance, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "D. H. Anna".

Daniel H. Anna, PhD, CIH, CSP
AIHA President

cc: AIHA Board of Directors
Nancy Green, Interim Executive Director
Aaron Trippler, Director Government Affairs