



June 5, 2010

Honorable Michael Enzi  
Ranking Member  
Health, Education, Labor and Pensions Committee  
United States Senate  
428 Dirksen Senate Office Building  
Washington, DC 20510

Dear Senator Enzi:

On behalf of the American Industrial Hygiene Association (AIHA) I am pleased to offer our support for your legislation, S. 3257, the “Voluntary Protection Program Act” and thank you for your continued efforts to protect 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 to nearly a 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 Senate Bill 3257 is a huge step in the right direction.

AIHA has reviewed S 3257 and supports the bill in its entirety. Codifying the VPP program will provide assurance that this 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.

VPP under your legislation would continue to be a comprehensive workplace safety and health management system that is built on cooperation among workers, employers and government.

AIHA could not have expressed our view of the VPP any better than during our recent testimony before the HELP Committee on April 26 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.”*

S 3257 would also expand the program to small and medium size 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 have the financial resources, skills, or technical expertise to implement many of the OSHA required programs and regulations to protect its workforce.

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 concurs with the recommendation offered by the American Society of Safety Engineers (ASSE) to work with OSHA to develop a third party workplace review program that might alleviate some of the cost of the VPP that so concerns OSHA. The third party workplace review program was developed by AIHA, ASSE and others several years ago and was included in previous legislation introduced by you, legislation known as the “SAFE Act”. Perhaps the time has come to revisit this approach and determine whether such a program might be viable?

Before concluding, I would also like to offer two additional comments regarding VPP and workplace health and safety.

- A special thanks to you and other Senators for your efforts to restore funding to the Voluntary Protection Program with a budget committee amendment that was passed unanimously. It is refreshing to see Congress so united on this issue in recognition of the good that comes from VPP. I know you will do your best to see that restoration of this funding remains in the final budget package.
- My second comment is one that pertains to the recent Senate HELP Committee hearing of April 26 to discuss the Upper Big Branch Mine disaster. There was considerable discussion at this hearing on the need to increase criminal penalties on employers who continually violate MSHA rules and regulations. As a part of the hearing there was also a discussion on the need to raise penalties for the same violations under the Occupational Safety and Health Administration. AIHA was pleased to have been a witness at this hearing.

AIHA is under the impression the Senate may consider a new “Miner Act” to address the problems of employer accountability for miner health and safety. It is unlikely Congress has the time to also enact a similar bill addressing occupational health and safety. However, AIHA believes you could address the criminal and civil penalty provisions for

occupational health and safety found in the “Protecting America’s Worker Act” by simply including that provision in any new “Miner Act”. Increasing criminal and civil penalties for occupational health and safety violations is something that just can’t wait until the next session of Congress.

In conclusion, AIHA stands ready to assist you in any way possible as you move forward with S 3257 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 to you, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael T. Brandt". The signature is fluid and cursive, with the first name "Michael" and last name "Brandt" clearly distinguishable.

Michael T. Brandt, DrPH, CIH, PMP  
AIHA President

cc: AIHA Board of Directors  
Peter O’Neil, Executive Director  
Aaron Tripler, Director Government Affairs