



Volume 1, Issue 5 - Update for PSASS

Newsletter Developed for the Puget Sound Area Safety Summit



Newsletter Mission Statement: To provide a monthly update on OSHA activity that affects the jurisdiction of Region Ten - Alaska, Idaho, Oregon, and Washington. Additionally, provide committees and safety and health groups with pertinent topics for their membership. Material is collected from the OSHA website, or information that has been presented to the public in various forums or media. OSHA is the acronym for the Occupational Safety and Health Administration of the U.S. Department of Labor.

APRIL 11, 2007

OSHA 2007 Teen Summer Job Safety Campaign

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The 2007 Teen Summer Job Safety Campaign is the second year of OSHA's five-year program to reduce teens' work-related injuries by teaching them on-the-job safety from the beginning of their summer work experience. The campaign focuses on industries in which young people are likely to work. In 2006, the focus was landscaping; this year's campaign emphasizes safety and health in the construction industry.

Assistant Secretary of Labor for Occupational Safety and Health Edwin G. Foulke, Jr. will launch the 2007 campaign in a kickoff event on April 17, 2007 from 11:00 am until 12:30 pm at Thomas Edison High School of Technology in Silver Spring, Maryland. A highlight of the program will be Thomas Edison students demonstrating safe practices in construction tasks. In addition to students and faculty from Thomas Edison, attendees will include OSHA and other Department of Labor staff, OSHA construction industry-related Alliance Program participants, other construction stakeholders, and representatives from the media.

For more information, please contact Elise Handelman, Director, Office of Occupational Health Nursing in OSHA's Directorate of Science, Technology and Medicine, at 202-693-2120 or Handelman.elise@dol.gov.



Inside this month's newsletter is a description of the Mobile Workforce Demonstration for Construction and data of the OSHA VPP Program.





Background

The Occupational Safety and Health Administration (OSHA) has long recognized the value of cooperative efforts by employers, employees, and government agencies to reduce hazards and strengthen worker protection. The Voluntary Protection Programs (VPP), which recognize employers and employees who have established effective safety and health management systems, have been particularly successful. However, VPP was designed primarily for fixed worksites, and most businesses within the construction industry have not been able to participate.

In recent years, OSHA has worked with leading construction trade associations, labor organizations, and employers to find ways to adapt the VPP model to the unique characteristics and challenges of the construction industry. In collaboration with labor and industry, OSHA designed and implemented the Short-Term Construction and Mobile Workforce VPP Star Demonstrations in 1998. The Short-Term Construction Demonstration looked at a general contractor's ability to establish an effective safety and health program at the outset of a project, and the Mobile Workforce Demonstration aimed to test the feasibility of expanding VPP eligibility to employers whose employees routinely move from site to site with varying work tasks and hazard exposures.

In 2002, OSHA's Region V began piloting a modified Mobile Workforce VPP Star Demonstration within the Cincinnati Area Office. This pilot, which included both general and subcontractors, has been particularly successful. Participants' injury and illness rates have dipped as much as 40% below industry averages. OSHA's evaluations of the 10 participating employers have concluded that construction companies are able to implement effective safety and health management systems and provide protections equal to those found at fixed VPP sites.

Introduction to the Demonstration

Based on positive experiences with the Region V Mobile Workforce Demonstration and the other construction-related Demonstrations, OSHA is launching a nationwide VPP Mobile Workforce Demonstration for Construction. This Demonstration is intended to create greater opportunity for employers and employees in the construction industry to participate in VPP and, in so doing, to strengthen worker protections significantly. At the same time, it will give OSHA additional opportunities to explore and test appropriate modifications to VPP, alternative requirements that will help us bring the benefits of this program to the construction industry. OSHA believes this new Demonstration will work for both companies that typically function as controlling general contractors and companies that perform specialty trade functions, regardless of size.

OSHA hopes you will respond to this opportunity to experience what employers and employees throughout the U.S. economy have experienced: significant decreases in fatalities, injuries, and illnesses; concomitant cost reductions including lowered workers' compensation expenses; positive changes in company culture and attitudes toward safety and health; and other reported benefits of VPP participation.

This Demonstration will not limit construction employers with long-term projects from pursuing site-based participation in accordance with established VPP policies. Construction industry participants in OSHA's existing Short-Term and Mobile Workforce Demonstrations will be transitioned to this Demonstration.

Eligibility

This Demonstration welcomes applications from interested employers throughout the construction industry. All applicants must have been in operation in the construction industry for at least 3 years. They may display varied characteristics. For example:



Applicants may range from controlling general contractors to specialty trade contractors working in the capacity of a subcontractor.

Applicants' projects may range from very brief timeframes to lengthy, multi-year contracts.

Applicants may employ mobile workforces, with employees moving frequently from site to site.

Applicants may or may not have authority and responsibility for safety and health over the entire worksite.

Employees of some applicants, for example, specialty trades, often may work alone and without regular supervision.

An applicant's inspection history for the past 3 years within the Designated Geographic Area (DGA) must include: no open investigations, no pending or open contested citations or notices under appeal, and no affirmed willful violations. Additionally, applicants must not have been subject to an Enhanced Enforcement Program activity for the past 3 years. OSHA history pertaining to an applicant's work outside the DGA may also be considered.

Unique Aspects of the Demonstration

Except as indicated below, all VPP requirements apply to this Demonstration. See *Federal Register* notice 65 FR 45649, July 24, 2000, as revised by 68 FR 68475, December 8, 2003.

Unique aspects of the VPP Mobile Workforce Demonstration for Construction include:

Oversight Jurisdiction: Applicants may apply at the company, division, or business unit level.

Designated Geographic Area (DGA): OSHA, after consulting with an applicant and considering the applicant's preference, will define the geographic area for participation. It must be under federal OSHA jurisdiction. A DGA cannot exceed an OSHA Regional boundary. Employers who wish to participate in multiple Regions should contact the OSHA National Office. (Note: Work performed within state-operated occupational safety and health programs is not covered by this Demonstration without a State Plan's agreement to participate.)

Injury and Illness Data: Applicants must provide combined rate information that reflects the nonfatal injury and illness experience of all employees over whom they have responsibility and authority for safety and health. This information must include subcontractor data. It is the applicant's responsibility to maintain records of hours worked by subcontractors under its employ within the DGA plus any recordable injuries and illnesses these subcontractors may experience. (See Appendix B for details)

Union Commitment: An applicant whose employees are represented by one or more unions will be responsible for obtaining either blanket support from the local construction building trades council or support from the individual unions that represent its employees. (See Appendix C for details)



Participation Plan: Each applicant will develop a unique participation plan. This plan will address elements of its participation that differ in substance or emphasis from the traditional VPP requirements. OSHA is interested in learning about the safety and health practices an applicant has adopted that address the hazards and unique conditions of the applicant's workforce and construction industry. This may include management leadership and employee involvement strategies that ensure employee protection, such as employees' ability to leave the worksite if unsafe conditions exist; hazard analysis that uses historical sampling data for a baseline; emergency response policies and evacuation procedures appropriate to construction worksites; and other alternative approaches to safety and health.

Applicant Prescreening: Each applicant must describe in writing and be prepared to demonstrate that systems and procedures are in place and effectively implemented to assure VPP-quality safety and health protection at all active worksites within the DGA.

Two-phased evaluation of applicants: OSHA initially will conduct an onsite evaluation of the applicant's corporate, division, or business unit policies and procedures. This evaluation will also include a review of the applicant's safety and health management systems (SHMS), including systems for ensuring implementation of safety and health protection at all worksites within the DGA. It will include a document review and a careful assessment of the applicant's management commitment to safety and health and to VPP. This evaluation also will include interviews with senior officials and employees.

OSHA then will visit one or more construction worksites. These worksite evaluations will focus on verifying that the applicant's safety and health management systems are actually working. Generally, the number of evaluations will not exceed the number of programmed inspections an applicant would have received had it not applied to the Demonstration. Where an employer does not appear on the F.W. Dodge Reports (used by OSHA in the selection of construction worksites for inspection) and does not have a history with OSHA, the number of evaluations will be at the discretion of the Regional Administrator.

Industry Good Practices: VPP is a performance-based program that gives its participants latitude to address safety and health concerns in ways that are both effective and appropriate to their specific needs, culture, and industry. However, there are construction industry concerns which OSHA expects each applicant to address. These include, for example, fall hazards, trenching, industry-oriented training, subcontractor safety and health qualifications, and health issues such as substance abuse.

OSHA expects that Demonstration participants will address such concerns to the extent that they affect employees' safety and health, and will utilize industry good practices. This expectation is in line with the practices of VPP participants, who generally view OSHA standards as a minimum level of safety and health performance and set their own more stringent standards where necessary for effective employee protection. (See appendix D for details.)

Approval and Reapproval Process

Application Submittal: Applicants should submit their Demonstration Program application to the VPP Manager in the OSHA Regional Office with jurisdiction over their headquarters. Application guidelines can be obtained from the Regional Office or downloaded from OSHA's website. (Note: Applicants with Federal jurisdiction worksites whose headquarters fall under State Plan jurisdiction should submit their application to the corresponding Regional VPP Manager.)



Priority for OSHA Challenge Participants: OSHA may offer an expedited application review and approval process to Demonstration Program applicants who have participated in OSHA Challenge. OSHA Challenge is a cooperative program that specifically prepares companies to meet VPP requirements.

Application Review: The Regional VPP Manager or VPP Coordinator will review the application and decide whether or not to accept it. If accepted,

The applicant, in consultation with OSHA, will develop a written participation plan that documents unique aspects of its participation.

The Regional VPP Manager or VPP Coordinator will contact the applicant to schedule the onsite review of headquarters and individual construction worksites.

Participation Level: In order to qualify for this Demonstration, the onsite review of headquarters must conclude that the applicant's safety and health management system meets all VPP Star requirements. The applicant's DGA will ultimately be recognized at either the Star or Merit level based on how well the aforementioned SHMS is implemented at the site(s) visited during the worksite evaluation phase.

Worksite evaluation visits: Whenever possible, the onsite evaluations that OSHA conducts will be unannounced. However, when OSHA needs to visit a site that an applicant does not control, the applicant must inform and gain written permission from the controlling employer (for example, the general contractor) for OSHA to enter. In those instances, OSHA will provide reasonable notice prior to its visit.

OSHA will focus primarily on the applicant's work at a site. However, the applicant must inform the controlling employer that any conditions (including those created by others) that OSHA views and deems a violation must be abated immediately or confirmed as abated according to an abatement plan approved by OSHA. In the VPP spirit of cooperation, OSHA will take no enforcement actions and issue no citations if the hazardous conditions are corrected immediately or with an approved plan. Only if correction does not occur will OSHA have the option to exercise normal enforcement procedures.

Approval: The Regional Administrator will submit a recommendation to the Assistant Secretary that reflects the findings of the VPP onsite evaluation team. The Assistant Secretary will issue the approval decision.

Removal from Programmed Inspections: Once an applicant is approved, all work performed within the DGA will be removed from OSHA's programmed inspection list. Work will remain subject to unprogrammed inspections, such as complaints, fatalities, and catastrophes.



Reevaluations: Subsequent to approval, OSHA will conduct one or more reevaluation visits of a participant's worksites every 12 to 18 months for the duration of the Demonstration. Generally, the number of reevaluations will not exceed the number of programmed inspections an applicant would have received were it not participating in the Demonstration. Where an employer does not appear on the F.W. Dodge Reports (used by OSHA in the selection of construction worksites for inspection) and does not have a history with OSHA, the number of evaluations will be at the discretion of the Regional Administrator. OSHA will also reevaluate the participant's corporate, division, or business unit SHMS policies and procedures every 5 years.

Withdrawal/Termination from VPP: If a reevaluation does not meet the Demonstration requirements, the Regional Administrator will take one of the following actions:

Give the company 30 days to meet requirements, or
Ask the company to withdraw from the Demonstration.

If two reevaluations do not meet Demonstration requirements in 1 year, the Regional Administrator will ask the company to withdraw. If a participant chooses not to withdraw, the Regional Administrator will terminate the participant. If a participant is terminated they may not reapply for VPP participation for 3 years.

Management/Union Change: If at any time a participant experiences a change in management, a change in union representation/status, or other similar changes that affect VPP participation, the participant must notify the OSHA Regional Administrator in writing. The Regional Administrator will determine what steps, if any, must be taken to reaffirm VPP participation.

Where Can I Get More Information?

Your Regional VPP Manager or VPP Coordinator will be happy to provide you with additional information about VPP and answer your questions. Additionally, there is a wealth of useful information on OSHA's webpage, www.osha.gov. VPP information begins at:

<http://www.osha.gov/dcsp/vpp/index.html>

You also may direct your questions or comments to:

David Baker, VPP Manager

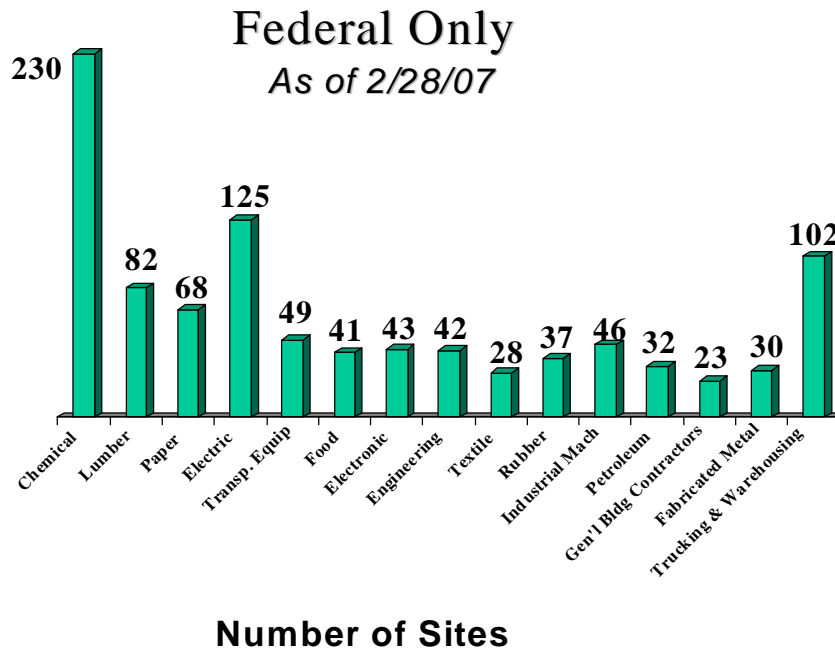
U.S. Department of Labor - OSHA
1111 Third Ave, Suite 715
Seattle, WA 98101
(206) 553-5930
Baker.dave@dol.gov

OSHA - Office of Partnerships and Recognition
200 Constitution Ave NW, Room N3700
Washington, DC 20210

Voice (202) 693-2213 Fax (202) 693-1671

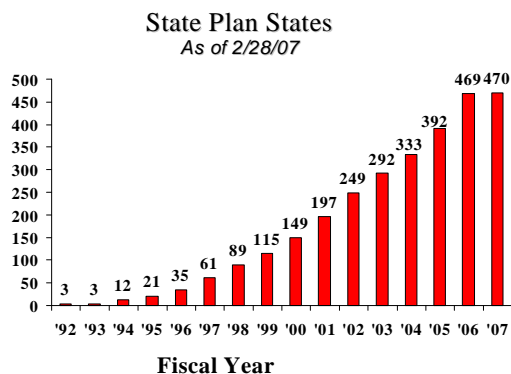
The OSHA Voluntary Protection Program (VPP) by the Numbers

Top 15 Industries In The VPP



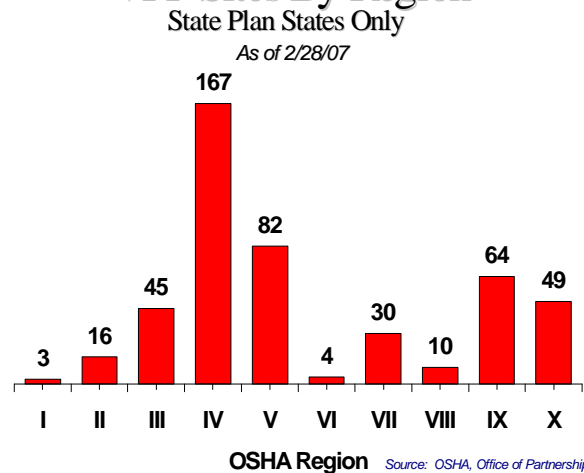
Source: OSHA, Office of Partnerships & Recognition

Growth of VPP



Source: OSHA, Office Partnerships & Recognition

VPP Sites By Region



Source: OSHA, Office of Partnerships & Recognition

Note: Region X (10) includes the jurisdictional area of Washington, Oregon, and Alaska. Although Idaho is included in Region X, it is an OSHA plan under Federal jurisdiction.

2007

JANUARY

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NOTES

2nd Wednesday (bold)	PSASS Meetings
Steering Committee Meeting	6:30am to about 8am
Address of Steering Committee Meeting	13100 48 th Street Tukwila, WA
PSASS Summit	9am to 12pm Machinist Hall
Machinist Hall Address	9125 15th Place S., Seattle
Directions to Summit	http://www.smartwa.org/aerodirections.html
<u>Upcoming Meetings – Proposed Topics</u>	
January 10th	Mega Project Highlight
February 14th	Tower Crane Safety
March 14th	Fleet Management
April 11th	Changes in Safety and VPP, Zero Injury Program
May 9th	OSHA Fatality Case Studies
June 13th	Crisis Management / Disaster Preparedness

APRIL

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JUNE

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