

Enzi to Ask New OSHA Chief Michaels

To Maintain Voluntary Protection Programs

Sen. Mike Enzi (R-Wyo.) intends to ask David Michaels, the new head of the Occupational Safety and Health Administration, to stop planned efforts to downsize the agency's voluntary protection program. Enzi, ranking member of the Senate Health, Education, Labor and Pensions Committee, wrote in a draft letter made available Dec. 14 that no OSHA program has been more successful in creating an effective culture of safety than its Voluntary Protection Program.

A Republican aide to the HELP committee told BNA Dec. 15 Enzi does not yet know when the letter will be sent to OSHA.

OSHA did not respond to a request for comment.

The Voluntary Protection Program was established in 1992 to encourage companies to exceed minimum OSHA health and safety requirements. In return, companies in the program would be exempt from routine inspection.

Since its inception, Republican and Democrat administrations have supported its growth and it now has 2,284 worksites, a quarter of which are unionized, and which cover more than 921,000 employees, Enzi wrote.

The worksites have an average illness and injury rate of more than 50 percent below their industry. The Government Accountability Office, however, was critical of the program in a June report, saying OSHA could not ensure its participants had good health and safety records ([39 OSHR 515, 6/25/09](#)).

Program Downsize or Eliminated?

Acting on GAO's report, OSHA said it would take measures to strengthen the program. Recent comments by Jordan Barab, OSHA's deputy head, have led some to believe the agency intends to significantly downsize or even eliminate the program.

Barab recently informed the Voluntary Protection Program Participants Association that OSHA will cut the number of worksites evaluated for admission into the program from 172 in 2009 to 80 in 2010, Enzi wrote.

These cuts are planned despite a budget increase for the agency in fiscal years 2009 and 2010 and its plans to hire new inspectors, Enzi said.

Furthermore, Enzi said he has learned that Barab has eliminated any "performance goals" for district managers in evaluating new voluntary protection program sites.

Michaels' Past Support of Programs

Baruch Fellner, a partner with the law firm Gibson, Dunn and Crutcher, who represents industry recently speculated the voluntary protection program could be the most vulnerable OSHA program in light of the 2011 budget cuts ([39 OSHR 1043, 12/10/09](#)).

In his letter, Enzi said in 2007 federal agency voluntary program participants saved the government more than \$59 million by avoiding injuries and private sector participants saved more than \$300 million.

Enzi called on Michaels to consider his own past personal experience and past support for compliance programs in evaluating the program.

"As you have stated, when you were Assistant Secretary for Environment, Safety and Health at the Department of Energy from 1998 to 2001, you were responsible for VPP programs and recognized their great value," Enzi wrote.

He also reminded Michaels that in his confirmation proceedings, he made a commitment to reevaluate the decision to reduce new evaluations for voluntary program sites.

"Now that you are confirmed in office, we urged that you complete that process as soon as possible and reverse" OSHA's actions, he wrote.