

# Virginia Voluntary Protection Program (VPP)

## Policy and Procedures Manual

April 9, 2014



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## Chapter 1 Introduction

- I. **Purpose:**  
This instruction revises and clarifies the overall policy framework for administering the Virginia Voluntary Protection Programs (VPP).
- II. **Scope:**  
This instruction applies to the Virginia VPP.
- III. **Cancellations:**  
None listed.
- IV. **Definitions:**
  - A. **1-Year Conditional Goal:**  
A target for correcting deficiencies in safety and health management system elements or sub-elements identified by VOSH during the on-site evaluation of a Star site. Such deficiencies, which indicate that a site no longer fully meets Star requirements, must be corrected within 90 days, and the site must then operate at the Star level for 1 year, for the site's conditional status to be lifted. Failure to meet this requirement will result in termination from VPP.
  - B. **90-Day Item:**  
Compliance related issues that must be corrected within a maximum of 90 days, with effective protection provided to employees in the interim.
  - C. **Annual Evaluation:**  
A participant's yearly self-assessment to gauge the effectiveness of all required VPP elements and any other elements of the site's safety and health management system.
  - D. **Annual Submission:**  
A document written by a participant and submitted to the VPP Program Manager by February 15<sup>th</sup> each year, consisting of the following information: Updated names and addresses; the site's and applicable contractors' injury and illness case numbers and rates, average annual employment and hours worked for the previous calendar year; a copy of the most recent annual evaluation of the site's safety and health management system; descriptions of significant changes or events, progress made on the previous year's recommendations, Merit or 1-Year Conditional goals (if applicable); and any success stories.
  - E. **Applicable Contractor:**  
A contractor whose employees worked at least 1,000 hours at the site in any calendar quarter within the last 12 months and are not directly supervised by the applicant/participant.

- F. Accepted Application:**  
An application that has been reviewed by the VPP Program Manager and found to be complete. Also referred to as a completed application.
- G. Backup Team Leader:**  
A member of an on-site evaluation team who provides assistance to the team leader and can assume his/her duties when necessary.
- H. Compliance Officer:**  
A State compliance safety or health officer (CSHO)
- I. Contract Employees:**  
Workers who are employed by a company that provides services under contract to the VPP applicant or participant, usually at the VPP applicant's or participant's worksite.
- J. Days Away, Restricted, and/or Transfer Case Incidence Rate (DART rate):**  
The rate of all injuries and illnesses resulting in days away from work, restricted work activity, and/or job transfer. This rate is calculated for a worksite for a specified period of time (usually 1 to 3 years).
- K. Director of Cooperative Programs (DCP):**  
The Director responsible for coordinating and overseeing the Virginia VPP.
- L. Federal Register:**  
The official Federal government publication, published by the Government Printing Office (GPO), in which OSHA announces the philosophy and criteria for VPP approval and participation in a public notice commonly referred to as the "VPP Federal Register Notice".
- M. Injury/Illness Rates:**  
Numerical rates that represent recordable injuries and illnesses at a worksite.
- N. Mentoring:**  
The assistance that a VPP participant provides to another worksite to improve that site's safety and health management system or prepare it for VPP application or participation. The Mentoring Program is coordinated by the Voluntary Protection Programs Participants' Association (VPPPA).
- O. Merit Goal:**  
A target for improving one or more deficient safety and health management system elements at a site approved to the Merit program. A Merit goal must be met in order for a site to achieve Star status.
- P. Merit Program:**

While not a level of participation that can be applied for, Merit is designed for worksites that have demonstrated the potential and commitment to achieve Star quality, but that need to further improve their safety and health management system. A worksite may be designated as Merit when, during an initial Star certification review, the VOSH review team determines that not all Star requirements are being fully met. In the case of a Merit designation, the participant must complete specified Merit goals in order to achieve Star status and continue within VPP.

**Q. On-site Assistance Visit:**

A visit to an applicant or participant site by the VPP Program Manager, Voluntary Compliance Consultant (for small employers with less than 250 employees), or other non-enforcement personnel, to offer assistance to the site including help with their application, conduct a records review, and/or make general observations about the site's safety and health management system.

**R. On-site Evaluation:**

A visit to an applicant or participant site by a VOSH on-site evaluation team to determine whether the site qualifies to participate, continue participation, or advance within the VPP.

**S. On-site Evaluation Report:**

A document written by the VOSH on-site evaluation team and consisting of the site report. This document contains the team's assessment of a site's safety and health management system and the team's recommendation regarding approval of the applicant or re-approval of the participant in VPP.

**T. On-site Evaluation Team:**

An interdisciplinary group of VOSH professionals and private industry volunteers who conduct on-site evaluations. The team normally consists of a team leader, a backup team leader, safety and health specialists, and other specialists as appropriate.

**U. Recommendations:**

Suggested improvements noted by the on-site evaluation team that are not requirements for VPP participation but that would enhance the effectiveness of the site's safety and health management system. (Compliance with VOSH standards is a requirement, not a recommendation.)

**V. Resident Contractor:**

A company that provides ongoing, on-site services to a VPP applicant or participant.

**W. Safety and Health Management System:**

For the purposes of VPP, a method of preventing worker fatalities, injuries and illnesses through the ongoing planning, implementation, integration, and control of four interdependent elements: Management Leadership and Employee Involvement; Worksite Analysis; Hazard Prevention and Control; and Safety and Health Training.

- X. Small Business:**  
A company having no more than 250 employees at any one facility, and no more than 500 employees nationwide.
- Y. Private Industry Volunteer (PIV):**  
A private industry volunteer from a VPP site or corporation, knowledgeable in safety and health management system assessment, formally trained by in the policies and procedures of the VPP, and determined by VOSH to be qualified to perform as a team member on a VPP on-site evaluation.
- Z. Star Program:**  
The program within VPP designed for sites whose safety and health management systems operate in a highly effective, self-sufficient manner and meet all VPP requirements. Star is the highest level of VPP participation.
- AA. Team Leader:**  
The VOSH staff person who coordinates the VOSH on-site evaluation team and ensures that all evaluation activities are performed.
- BB. Temporary Employees:**  
Employees hired on a non-permanent basis by the applicant/participant site.
- CC. Termination:**  
Formal removal of a VPP participant from the program by VOSH.
- DD. Total Case Incidence Rate (TCIR):**  
A number that represents the total recordable injuries and illnesses per 100 full-time employees, calculated for a worksite for a specified period of time (usually 1 to 3 years).
- EE. VPP Celebration:**  
An event coordinated by the approved worksite and normally held at the site, where a representative from VOSH recognizes the site's achievement, presents the VPP certificate and the Star Worksite flag.
- FF. VPP Program Manager:**  
The VOSH staff person directly responsible for the day-to-day operations of the VPP.
- GG. VPP Regional Coordinator:**
- HH. Voluntary Protection Program Participants' Association (VPPPA):**  
A nonprofit 501(c) (3) organization whose members are involved in the VPP. The mission of the VPPPA is to promote safety, health, and environmental excellence through cooperative efforts among employees, management, and government.
- II. VPP Site Representative:**

The person designated by an applicant or participant as the primary contact regarding VPP activity at the worksite.

**JJ. Withdrawal:**

Decision by the applicant or participant to discontinue pursuing or participating in the VPP.

**KK. Worksite:**

For VPP purposes, a worksite is a location where work is carried out by employees of an employer.

**V. Background:**

The Occupational Safety and Health Administration (OSHA) on July 2, 1982, announced establishment of the Voluntary Protection Programs (VPP) to recognize and promote effective worksite-based safety and health management systems. Virginia established its pilot VPP program in 1994, approved the first Merit Worksite in 1995 and the first Star Worksite in 1996. Virginia VPP was adopted as a State-Plan change in 1999. In the VPP, management, labor, and VOSH establish cooperative relationships at workplaces that have implemented comprehensive safety and health management systems. Approval into VPP is VOSH's official recognition of the outstanding efforts of employers and employees who have created exemplary worksite safety and health management systems. VOSH offers assistance to sites committed to achieving the VPP level of excellence. The enabling legislation for VPP is Section (2)(b)(1) of the OSH Act, which declares the Congress's intent "*to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources B (1) by encouraging employers and employees in their efforts to reduce the number of occupational safety and health hazards at their places of employment, and to stimulate employers and employees to institute new and to perfect existing programs for providing safe and healthful working conditions. . . .*"

**VI. VPP Principles:**

The following principles are embodied in the Voluntary Protection Programs:

**1. Voluntarism:**

Participation in VPP is strictly voluntary. The applicant who wishes to participate freely submits information to VOSH on its safety and health management system and opens itself to agency review.

**2. Cooperation:**

VOSH has long recognized that a balanced, multifaceted approach is the best way to accomplish the goals of the OSH Act. VPP's emphasis on trust and cooperation between VOSH, the employer, employees, and employees' representatives is complementary to the agency's enforcement activity, but does not take its place. VPP staff and participating sites work together to resolve any safety and health problems that may arise. This partnership enables the Agency to remove participating sites from programmed inspection lists, allowing VOSH to focus its



inspection resources on establishments in greater need of agency oversight and intervention. However, VOSH continues to investigate valid employee safety and health complaints, fatalities, catastrophes, and other significant events at VPP participant sites.

**3. A Systems Approach:**

Compliance with the OSH Act and all applicable VOSH requirements is only the starting point for VPP sites. VPP participants develop and implement systems to effectively identify, evaluate, prevent, and control occupational hazards so that injuries and illnesses to employees are prevented. Star sites, in particular, are often on the leading edge of hazard prevention methods and technology. As a result, VPP worksites serve as models of safety and health excellence, demonstrating the benefits of a systems approach to worker protection.

**4. Model Worksites for Safety and Health:**

VOSH selects VPP participants based on their written safety and health management system, the effective implementation of this system over time, and their performance in meeting VPP requirements. Not all worksites are appropriate candidates for VPP. At qualifying sites, all personnel are involved in the effort to maintain rigorous, detailed attention to safety and health. VPP participants often mentor other worksites interested in improving safety and health, participate in safety and health outreach and training initiatives, and provide VOSH with input on proposed policies and standards. They also share best practices and promote excellence in safety and health in their industries and communities.

**5. Continuos Improvement:**

VPP participants must demonstrate continuous improvement in the operation and impact of their safety and health management systems. Annual VPP self-evaluations help participant's measure success, identify areas needing improvement, and determine needed changes. VOSH on-site evaluation teams verify this improvement.

**6. Employee and Employer Rights:**

Participation in VPP does not diminish employee and employer rights and responsibilities under VOSH standards.

**VII. Categories of Participation:**

**A. The Elements:**

To qualify for VPP, a site must operate a comprehensive safety and health management system that includes four essential elements and their sub-elements. These elements, when integrated into a site's daily operations, can reduce the incidence and severity of illnesses and injuries:

1. Management leadership and employee involvement
2. Worksite analysis
3. Hazard prevention and control

4. Safety and health training

**B. Star Worksite:**

Star Worksite status recognizes the safety and health excellence of worksites where workers are successfully protected from fatality, injury, and illness by the implementation of comprehensive and effective workplace safety and health management systems. These worksites are self-sufficient in identifying and controlling workplace hazards.

**C. Merit Worksite:**

Merit Worksite status recognizes worksites that have good safety and health management systems and that show the willingness, commitment, and ability to achieve site-specific goals that will qualify them for Star participation.

## **Chapter 2 Responsibilities**

- I. **Introduction:**  
This chapter describes VOSH's responsibilities for managing the Voluntary Protection Programs (VPP).
  
- II. **The Commissioner:**  
The Commissioner is responsible for all decisions relating to approval of new participants, approval from the Merit status to the Star status, lifting of 1-Year Conditional status, and termination of participation.
  
- III. **Director of Cooperative Programs (DCP):**
  - A. The Director of Cooperative Programs is responsible for:
    - 1. **Policies and Procedures:**  
The Director of Cooperative Programs must develop, interpret, and revise, as needed, policies and procedures for the administration and management of the VPP, including the VPP Policies and Procedures Manual.
  
    - 2. **Review of Applications and On-site Evaluation Reports:**  
The Director of Cooperative Programs must:
      - (a) Review all on-site evaluation reports and re-certifications, to ensure that formatting requirements are met and evidence that the VPP requirements are met is clearly documented.
      - (b) Prepare appropriate documentation for the Commissioner's decision and signature.
      - (c) Notify the VPP Program Manager of the Commissioner's final decision.
      - (d) Forward, through the VPP Program Manager, copies of the following documents to the site, appropriate labor unions, Regional Directors, and the Voluntary Protection Programs Participants' Association (VPPPA).
        - (e) Commissioner's approval or congratulatory letter.
        - (f) The on-site evaluation report for newly approved participants.
  
- IV. **VPP Program Manager:**
  - A. **VPP Program Manager:**  
The VPP Program Manager is responsible for the day-to-day management of the VPP.
  
  - B. The VPP Program Manager is responsible for:
    - 1. **Maintenance of Records and Data:**  
The VPP Program Manger must:
      - (a) Maintain a public file on all approved participants that includes:
        - i. The General Information section from the application.

- ii. The Director's memorandum to the Assistant Commissioner requesting approval of a VPP on-site evaluation report.
  - iii. The Assistant Commissioner's memorandum to the Commissioner requesting approval of a VPP on-site evaluation report.
  - iv. On-site evaluation reports.
  - v. The Commissioner's letter to the participant (which includes notification of a copy sent to any and all collective bargaining agents).
  - vi. Congressional and Gubernatorial letters. Any formal correspondence to and from the Department of Labor and Industry, the VPP site or the public.
  - vii. Develop and maintain a comprehensive database of VPP participants' information including, but not limited to: name, location, contact person, telephone number, approval date, VPP status, TCIR and DART rate, union information if applicable, and number of employees.
2. **Application Processing:**  
Review and process applications to the VPP in accordance with Chapter 4. In addition:
- (a) Provide application information and assistance to interested employers, employee groups, and other parties such as trade associations, state and local governments.
  - (b) Obtain and review the applicant's VOSH inspection history to determine its eligibility for participation in the VPP.
3. **On-site Evaluations:**
- (a) Ensure an on-site evaluation is conducted within 6 months of accepting an application.
  - (b) Schedule on-site evaluations, taking into consideration due dates, deadlines, priorities, and coordination with company officials.
  - (c) Inform the Regional Director so that the site can be removed from the programmed inspection list. Such removal may occur no more than 75 days prior to the on-site evaluation.
  - (d) Ensure that an on-site evaluation report is drafted on-site.
4. **Approval:**
- (a) Ensure completion of on-site evaluation reports.
  - (b) Forward to the Director of Cooperative Programs the on-site evaluation report.
  - (c) Inform applicants of the Commissioner's decision regarding approval.
  - (d) Inform the Regional Director of the site's approval.
5. **Annual Submissions from VPP Participants:**
- (a) Ensure that each VPP participant's annual submission is received by February 15th of each year.
  - (b) On a case-by-case basis, additional time, not to exceed 45 days, may be negotiated by the VPP Program Manager and a company's VPP representatives. If, after 45 days, the annual submission has not been received, the site may be asked to withdraw from the program.

- (c) Review the annual submissions and,
  - (d) Request an explanation from the site if a substantial increase (or decrease) in rates or some problem with the program evaluation is noted.
  - (e) If an unresolved serious problem is evident, make arrangements with the company for an on-site assistance visit.
  - (f) As a courtesy, notify the site in writing that the annual evaluation submission has been received. Note any areas of concern.
6. **Re-certification:**
- (a) Track current VPP participants and ensure that on-site re-certification evaluations are scheduled and conducted in accordance with policy.
  - (b) Obtain the Director of Cooperative Programs approval for any requests to extend the period between on-site evaluations.
  - (c) Any approved extensions of time between on-site evaluations must be documented.
7. **Withdrawal or Termination:**
- Upon receiving a withdrawal letter from a participant, or upon termination of a participant, the VPP Program Manager must:
- (a) Remove the participant's application, on-site evaluation reports, approval letters, and annual evaluations from the public file.
  - (b) Notify the Regional Director of the withdrawal or termination so that the site may be returned to the programmed inspection list, if applicable, at the time of the next inspection cycle.
  - (c) Notify the Director of Cooperative Programs and Commissioner in writing of any withdrawals or terminations and the reason(s) for withdrawal.
8. **Special Circumstances:**
- (a) Discuss any change in ownership, organization, and union representation (if applicable) with the site representative, and schedule an on-site visit if needed to evaluate the change's impact.
  - (b) Forward to Director of Cooperative Programs any resultant updates to the site's information.
  - (c) Coordinate and review any formal or non-formal complaints, referrals, fatalities or catastrophes, accidents or incidents, and resultant inspection reports or letters.
9. **Ongoing Assistance:**
- (a) The VPP Program Manager will be available to assist participants as needed, e.g., when changes occur at the site that may affect continued participation.
10. **Maintenance of Site Files:**
- The VPP Program Manager must maintain a public file of all approved sites and make available to the public on request:
- (a) VPP application and amendments.
  - (b) On-site evaluation reports.

- (c) The Director of Cooperative Programs letter of recommendation to the Assistant Commissioner, and the Assistant Commissioner's transmittal memoranda to the Commissioner.
- (d) The Commissioner's approval letter.
- (e) Memorandum to the appropriate Regional Director removing an approved site from the general inspection list.
- (f) Related, formal correspondence.

**V. VOSH Regional Directors:**

- A. In addition to being knowledgeable about the VPP and its participants, the Regional Director must:
  - 1. Ensure that programmed inspections of applicants are deferred for no more than 75 days prior to their scheduled on-site evaluation.
  - 2. Remove approved sites from any programmed inspection lists for the duration of participation.
  - 3. Return sites that have withdrawn or been terminated to the programmed inspection list, if applicable, at the time of the next inspection cycle.
  - 4. The Regional Director must use routine procedures for conducting complaint, referral, and/or fatality/catastrophe investigations at VPP worksites.
  - 5. Notify the Director of Cooperative Programs when a complaint (including an informal complaint responded to by letter) is received from a VPP participant and of the subsequent disposition of the complaint.
  - 6. Immediately notify the Director of Cooperative Programs of any fatalities, catastrophes or other accidents, or incidents requiring enforcement that occur at a VPP worksite.
  - 7. Send the Director of Cooperative Programs a copy of any report resulting from an enforcement case.

## Chapter 3 Requirements for STAR and Merit

### I. **Introduction:**

This chapter delineates requirements for the Star and Merit programs.

### II. **The STAR Program:**

A. The Star Program recognizes the very best workplaces that are in compliance with VOSH standards and that operate outstanding safety and health management systems for worker protection. All of the VPP requirements, published in *Federal Register* Notice 65 FR 45650-45663 and detailed below, must be in place and working effectively for at least 1 year prior to STAR approval.

#### B. **Term of Participation:**

1. There is no limit to the term of participation in STAR, as long as a site continues to meet all STAR requirements and to maintain STAR quality.

#### C. **Injury and Illness History Requirements:**

1. Injury and illness history at the site is evaluated using a 3-year total case incident rate (TCIR) and a 3-year day away, restricted, and/or transfer case incident rate (DART rate). The 3-year TCIR and DART rates must be compared to the published Bureau of Labor Statistics (BLS) national average for the five- or six-digit North American Industrial Classification System (NAICS) code for the industry in which the applicant is classified. The BLS publishes NAICS industry averages 2 years after data is collected. (For example, in calendar year 2005, calendar year 2003 national averages will be available and used for comparison).
2. The site must not have been issued final VOSH citations for a work-related fatality in the preceding three-year period. In the event that the company elects to contest a citation related to a VOSH fatality, the company may not submit a VPP application until such time as all fatality-related citations have been successfully contested.
3. Both the 3-year TCIR and the 3-year DART rate must be below 1 of the three most recently published BLS national averages for the specific NAICS code.
4. Some smaller worksites may be eligible to use the alternate rate calculation.

#### D. **Comprehensive Safety and Health Management System Requirements:**

The following safety and health management system elements and sub-elements must be implemented. For small sites, at the discretion of the on-site team, some of the requirements may be implemented and documented less formally.

**1. Management Leadership:**

**(a) Management Commitment:**

Management demonstrates its commitment by:

- i. Establishing, documenting, and communicating to employees and contractors clear goals that are attainable and measurable, objectives that are relevant to workplace hazards and trends of injury and illness, and policies and procedures that indicate how to accomplish the objectives and meet the goals.
- ii. Signing a statement of commitment to safety and health.
- iii. Meeting and maintaining VPP requirements.
- iv. Maintaining a written safety and health management system that documents the elements and sub-elements, procedures for implementing the elements, and other safety and health programs including those required by VOSH standards.
- v. Identifying persons whose responsibilities for safety and health includes carrying out safety and health goals and objectives, and clearly defining and communicating their responsibilities in their written job descriptions.
- vi. Assigning adequate authority to those persons who are responsible for safety and health, so they are able to carry out their responsibilities.
- vii. Providing and directing adequate resources (including time, funding, training, personnel, etc.) to those responsible for safety and health, so they are able to carry out their responsibilities.
- viii. Holding those assigned responsibility for safety and health accountable for meeting their responsibilities through a documented performance standards and appraisal system.
- ix. Planning for typical as well as unusual/emergency safety and health expenditures in the budget, including funding for prompt correction of uncontrolled hazards.
- x. Integrating safety and health into other aspects of planning, such as planning for new equipment, processes, buildings, etc. Establishing lines of communication with employees and allowing for reasonable employee access to top management at the site.
- xi. Setting an example by following the rules, wearing any required personal protective equipment, reporting hazards, reporting injuries and illnesses, and basically doing anything that they expect employees to do. Ensuring that all workers (including contract workers) are provided equal, high-quality safety and health protection.
- xii. Conducting an annual evaluation of the safety and health management system in order to:
  - Maintain knowledge of the hazards of the site
  - Maintain knowledge of the effectiveness of system elements.
  - Ensure completion of the previous year's recommendations.
  - Modify goals, policies, and procedures.

**(b) Employee Involvement:**



- i. Employees must be involved in the safety and health management system in at least three meaningful, constructive ways in addition to their right to report a hazard.
- ii. Avenues for employees to have input into safety and health decisions include participation in audits, accident/incident investigations, self-inspections, suggestion programs, planning, training, job hazard analyses, and appropriate safety and health committees and teams.
- iii. Employees do not meet this requirement by participating in incentive programs or simply working in a safe manner.
- iv. Employees must be trained for the task(s) they will perform. For example, they must be trained in hazard recognition to participate in self inspections.
- v. Employees must receive feedback on any suggestions, ideas, reports of hazards, etc. that they bring to management's attention. A site must provide documented evidence that employees' suggestions were followed up and implemented when appropriate and feasible.
- vi. All employees, including new hires, must be notified about the site's participation in VPP and employees' rights (such as the right to file a complaint) under the OSH Act.
- vii. Orientation training curriculum must include this information. Employees and contractors must demonstrate an understanding of and be able to describe the fundamental principles of VPP.

**(c) Contract Worker Coverage:**

- i. Contract workers must be provided with safety and health protection equal in quality to that provided to employees.
- ii. All contractors, whether regularly involved in routine site operations or engaged in temporary projects such as construction or repair, must follow the safety and health rules of the host site.
- iii. VPP participants must have in place a documented oversight and management system covering applicable contractors. Such a system must:
  - Ensure that safety and health considerations are addressed during the process of selecting contractors and when contractors are on-site.
  - Encourage contractors to develop and operate effective safety and health management systems.
  - Include provisions for timely identification, correction, and tracking of uncontrolled hazards in contractor work areas.
  - Include a provision for removing a contractor or contractor's employees from the site for safety or health violations. Note: A site may have been operating effectively for 1 year without actually invoking this provision if just cause to remove a contractor or contractor's employee did not occur.
- iv. Nested contractors (such as contracted maintenance workers) and temporary employees who are supervised by host site management are governed by the site's safety and health management system and are therefore included in the host site's rates.

- v. Site management must maintain copies of the TCIR and DART rate data for all applicable contractors based on hours worked at the site. Sites must report all applicable contractors' TCIR and DART rate data to VOSH annually.
- vi. Managers, supervisors, and non-supervisory employees of contract employers must be made aware of:
  - The hazards they may encounter while on the site.
  - How to recognize hazardous conditions and the signs and symptoms of workplace-related illnesses and injuries.
  - The implemented hazard controls, including safe work procedures.
  - Emergency procedures.

**(d) Safety and Health Management System Annual Evaluation:**

- i. There must be a system and written procedures in place to annually evaluate the safety and health management system.
- ii. The annual evaluation must be a critical review and assessment of the effectiveness of all elements and sub-elements of a comprehensive safety and health management system.
- iii. An annual evaluation that is merely a workplace inspection with a brief report pointing out hazards or a general statement of the sufficiency of the system is inadequate for purposes of VPP qualification.
- iv. The written annual evaluation must identify the strengths and weaknesses of the safety and health management system and must contain specific recommendations, time lines, and assignment of responsibility for making improvements. It must also document actions taken to satisfy the recommendations.
- v. The annual evaluation may be conducted by site employees, managers, qualified corporate staff, or outside sources that are trained in conducting such evaluations.
- vi. At least one annual evaluation and demonstrated corrective action must be completed before VPP approval.
- vii. The annual evaluation must be included with the participant's annual submission to VOSH.

**2. Worksite Analysis:**

- (a) A hazard identification and analysis system must be implemented to systematically identify basic and unforeseen safety and health hazards, evaluate their risks, and prioritize and recommend methods to eliminate or control hazards to an acceptable level of risk. Through this system, management must gain a thorough knowledge of the safety and health hazards and employee risks. The required methods of hazard identification and analysis are described below.

**(b) Baseline Safety and Industrial Hygiene Hazard Analysis:**

- i. A baseline survey and analysis is a first attempt at understanding the hazards at a worksite. It establishes initial levels of exposure (baselines) for comparison to future levels, so that changes can be recognized. Systems for identifying safety and industrial hygiene hazards, while often integrated, may be evaluated separately. The baseline surveys must:
  - Identify and document common safety hazards associated with the site (such as those found in VOSH or building standards, for which existing controls are well known), and how they are controlled.
  - Identify and document common health hazards (usually by initial screening using direct-reading instruments) and determine if further sampling (such as full-shift dosimetry) is needed.
  - Identify and document safety and health hazards that need further study.
  - Cover the entire work site; indicate who conducted the survey, and when it was completed.
  - The original baseline hazard analysis need not be repeated subsequently unless warranted by changes in processes, equipment, hazard controls, etc.

**(c) Hazard Analysis of Routine Jobs, Tasks, and Processes:**

- i. Task-based or system/process hazard analyses must be performed to identify hazards of routine jobs, tasks, and processes in order to recommend adequate hazard controls. Acceptable techniques include, but are not limited to: Job Hazard Analysis (JHA), and Process Hazard Analysis (PHA).
- ii. Hazard analyses should be conducted on routine jobs, tasks and processes that:
  - Have written procedures.
  - Have had injuries/illnesses associated with them or have experienced significant injury or near-hit incidents.
  - Are perceived as high-hazard tasks, (i.e., they could result in a catastrophic explosion, electrocution, or chemical over-exposure).
  - Have been recommended by other studies and analyses for more in-depth analysis.
  - Are required by a regulation or standard.
  - Any other instance when the VPP applicant or participant determines that hazard analysis is warranted.

**(d) Hazard Analysis of Significant Changes:**

- i. Hazard analysis of significant changes, including but not limited to non-routine tasks (such as those performed less than once a year), new processes, materials, equipment and facilities, must be conducted to identify uncontrolled hazards prior to the activity or use, and must lead to hazard elimination or control.
- ii. If a non-routine or new task is eventually to be done on a routine basis, then a hazard analysis of this routine task should subsequently be developed.

**(e) Pre-use Analysis:**

- i. When a site is considering new equipment, chemicals, facilities, or significantly different operations or procedures, the safety and health impact to the employees must be reviewed.
- ii. The level of detail of the analysis should be commensurate with the perceived risk and number of employees affected. This practice should be integrated in the procurement/design phase to maximize the opportunity for proactive hazard controls.

**(f) Documentation and Use of Hazard Analyses:**

Hazard analyses performed to meet the requirements of c. or d. above must be documented and must:

- i. Consider both health and safety hazards.
- ii. Identify the steps of the task or procedure being analyzed, hazard controls currently in place, recommendations for needed additional or more effective hazard controls, dates conducted, and responsible parties.
- iii. Be used in training in safe job procedures, in modifying workstations, equipment or materials, and in future planning efforts.
- iv. Be easily understood.
- v. Be updated as the environment, procedures, or equipment change, or errors are found that invalidate the most recent hazard analyses.

**(g) Routine Self-Inspections:**

- i. A system is required to ensure routinely scheduled self-inspections of the workplace.
- ii. It must include written procedures that determine the frequency of inspection and areas covered, those responsible for conducting the inspections, recording of findings, responsibility for abatement, and tracking of identified hazards for timely correction.
- iii. Findings and corrections must be documented.
- iv. Inspections must be made at least monthly, with the actual inspection schedule being determined by the types and severity of hazards.
- v. The entire worksite must be covered at least once each quarter.
- vi. Top management and others, including employees who have knowledge of the written procedures and hazard recognition, may participate in the inspection process.
- vii. Personnel qualified to recognize workplace hazards, particularly hazards peculiar to their industry, must conduct inspections.
- viii. Documentation of inspections must evidence thoroughness beyond the perfunctory use of checklists.

**(h) Hazard Reporting System for Employees:**

- i. The site must operate a reliable system that enables employees to notify appropriate management personnel in writing--without fear of reprisal--about conditions that appear hazardous, and to receive timely and appropriate responses.

- ii. The system can be anonymous and must include timely responses to employees and tracking of hazard elimination or control to completion.

**(i) Industrial Hygiene (IH) Program:**

- i. A written IH program is required.
- ii. The program must establish procedures and methods for identification, analysis, and control of health hazards for prevention of occupational disease.

**(j) IH Surveys:**

- i. Additional expertise, time, technical equipment, and analysis beyond the baseline survey may be required to determine which environmental contaminants (whether physical, biological, or chemical) are present in the workplace, and to quantify exposure so that proper controls can be implemented.

**(k) Sampling Strategy:**

- i. The written program must address sampling protocols and methods implemented to accurately assess employees' exposure to health hazards.
- ii. Sampling should be conducted when:
  - Performing baseline hazard analysis, such as initial screening and grab sampling.
  - Baseline hazard analysis suggests that more in-depth exposure analysis, such as full-shift sampling, is needed.
  - Particularly hazardous substances (as indicated by a VOSH standard, chemical inventory, material safety data sheet, etc.) are being used or could be generated by the work process.
  - Employees have complained of signs of illness.
  - Exposure or near-hit incidents have occurred.
  - It is required by a standard or other legal requirement.
  - Changes have occurred in such things as the processes, equipment, or chemicals used.
  - Controls have been implemented and their effectiveness needs to be determined.
  - Any other instance when the VPP applicant or participant determines that sampling is warranted.

**(l) Sampling Results:**

- i. Sampling results must be analyzed and compared to at least the OSHA permissible exposure limits (PELs) to determine employees' exposure and possible overexposure.
- ii. Comparison to more restrictive levels, such as action levels or Association of Certified Industrial Hygienists (ACGIH) Threshold Limit Values (TLVs), is encouraged to reduce exposures to the lowest possible level.
  - **Documentation:**

The results of sampling must be documented and must include a description of the work process, controls in place, sampling time, exposure calculations, duration, route, and frequency of exposure, and number of exposed employees.

- **Communication:**  
Sampling results must be communicated to employees and management.
  - **Use of Results:**  
Sampling results must be used to identify areas for additional, more in-depth study, to select hazard controls, and to determine if existing controls are adequate.
- iii. IH Expertise. IH sampling should be performed by an industrial hygienist, but initial sampling, full-shift sampling, or both may be performed by safety staff members with special training in the specific procedures for the suspected or identified health hazards in the workplace.
- **Procedures:**  
Standard, nationally recognized procedures must be used for surveying and sampling as well as for testing and analysis.
  - **Use of Contractors:**  
If an outside contractor conducts industrial hygiene surveys, the contractor's report must include all sampling information listed above and must be effectively communicated to site management. Any recommendations contained in the report should be considered and implemented where appropriate. Use of contractors does not remove responsibility for the IH program, including identification and control of health hazards, from the VPP applicant or participant.
- (m) **Analysis Injury, Illness and Near-Hit Incidents:**
- i. The site must investigate all incidents involving injuries, illnesses, or near-hits and must maintain written reports of the analysis. Incident analyses must:
    - Be conducted by personnel trained in incident investigation techniques.
    - Personnel who were not involved in the incident or who do not supervise the injured employee(s) should conduct the investigation to minimize potential conflicts of interest.
    - Document the entire sequence of relevant events.
    - Identify all contributing factors, emphasizing failure or lack of hazard controls.
    - Determine whether the safety and health management system was ineffective and provide recommendations to prevent recurrence. Not place undue blame or reprisal on employees.
    - Assign priorities, time frames, and responsibilities for implementing recommended controls.
    - The results of the analysis must be made available to employees on request, although the actual investigation records need not be provided.

(n) **Trend Analysis:**

- i. The process must include analysis of information, such as injury/illness history, hazards identified during inspections, employee reports of hazards, findings from incident analyses for the purpose of detecting trends.
- ii. The results of trend analysis must be shared with employees and management and utilized to direct resources; prioritize hazard controls; and determine or modify goals, objectives, and training to address the trends.

**3. Hazard Prevention and Control:**

Management must ensure the effective implementation of systems for hazard prevention and control and ensure that necessary resources are available, including the following:

**(a) Certified Professional Resources:**

- i. Access to certified safety and health professionals and other licensed health care professionals is required. They may be provided by offsite sources such as corporate headquarters, insurance companies, or private contractors.
- ii. VOSH will accept certification from any recognized accrediting organization.

**(b) Hazard Elimination and Control Methods:**

- i. The types of hazards to which employees are exposed, the severity of the hazards, and the risk the hazards pose to employees should all be considered when determining methods of hazard prevention, elimination, and control.
- ii. In general, the following hierarchy should be followed in determining hazard elimination and control methods.
- iii. When engineering controls have been studied, investigated, and implemented, yet still do not bring employees' exposure levels to below OSHA permissible exposure limits; or when engineering controls are determined to be infeasible, then a combination of controls may be used. Whichever controls a site chooses to employ, the controls must be understood and followed by all affected parties; appropriate to the site's hazards; equitably enforced through the disciplinary system; written, implemented, and updated by management as needed; used by employees; and incorporated in training, positive reinforcement, and correction programs.

- **Engineering:**

Engineering controls directly eliminate a hazard by such means as substituting a less hazardous substance, by isolating the hazard, or by ventilating the workspace. These are the most reliable and effective controls.

- **Protective Safety Devices:**

Although not as reliable as true engineering controls, such methods include interlocks, redundancy, failsafe design, system protection, fire suppression, and warning and caution notes.

- **Administrative:**

Administrative controls significantly limit daily exposure to hazards by control or manipulation of the work schedule or work habits. Job rotation is a type of administrative control.

- **Work Practices:**  
These controls include workplace rules, safe and healthful work practices, personal hygiene, housekeeping and maintenance, and procedures for specific operations.
- **Personal Protective Equipment (PPE):**  
PPE to be used are determined by hazards identified in hazard analysis. PPE should only be used when all other hazard controls have been exhausted or more significant hazard controls are not feasible.

**(c) Hazard Control Programs:**

- i. Applicants and participants must be in compliance with any hazard control program required by a VOSH standard, such as PPE, Respiratory Protection, Lockout/Tagout, Confined Space Entry, Process Safety Management, or Bloodborne Pathogens.
- ii. VPP applicants and participants must periodically review these programs (most VOSH standards require an annual review) to ensure they are up to date.

**(d) Occupational Health Care Program:**

- i. Licensed health care professionals must be available to assess employee health status for prevention, early recognition, and treatment of illness and injury.
- ii. Arrangements for needed health services such as pre-placement physicals, audiograms, and lung function tests must be included.
- iii. Employees trained in first aid, CPR providers, physician care, and emergency medical care must be available for all shifts within a reasonable time and distance.
- iv. The applicant or participant may consider, based on site conditions, providing Automated External Defibrillators (AEDs) and training in their use.
- v. Emergency procedures and services including provisions for ambulances, emergency medical technicians, emergency clinics or hospital emergency rooms should be available and explained to employees on all shifts.
- vi. Also see paragraph (h) below.

**(e) Preventive Maintenance of Equipment:**

- i. A written preventive and predictive maintenance system must be in place for monitoring and maintaining workplace equipment.
- ii. Equipment must be replaced or repaired on a schedule, following manufacturers' recommendations, to prevent it from failing and creating a hazard.
- iii. Documented records of maintenance and repairs must be kept.
- iv. The system must include maintenance of hazard controls such as machine guards, exhaust ventilation, mufflers, etc.

**(f) Tracking of Hazard Correction:**



- i. A documented system must be in place to ensure that hazards identified by any means (self-inspections, accident investigations, employee hazard reports, preventive maintenance, injury/illness trends, etc.) are assigned to a responsible party and corrected in a timely fashion.
- ii. This system must include methods for:
  - Recording and prioritizing hazards, and
  - Assignment of responsibility, time-frames for correction, interim protection, and correction follow-up.

**(g) Disciplinary System:**

- i. A documented disciplinary system must be in place.
- ii. The system must include enforcement of appropriate action for violations of the safety and health policies, procedures, and rules.
- iii. The disciplinary policy must be clearly communicated and equitably enforced to employees and management.
- iv. The disciplinary system for safety and health can be a sub-part of an all-encompassing disciplinary system.

**(h) Emergency Preparedness and Response:**

- i. Written procedures for response to all types of emergencies (fire, chemical spill, accident, terrorist threat, natural disaster, etc.) on all shifts must be established.
- ii. They must comply with VOSH standards, must be communicated to all employees, and must be practiced at least annually.
- iii. These procedures must list requirements or provisions for:
  - Assessment of the emergency
  - Assignment of responsibilities
  - First aid
  - Medical care
  - Routine and emergency exits
  - Emergency telephone numbers
  - Emergency meeting places
  - Training drills
  - Documentation and critique of evacuation drills
  - Personal protective equipment where needed

**4. Safety and Health Training:**

**(a)** Training must be provided so that managers, supervisors, non-supervisory employees, and contractors are knowledgeable of the hazards in the workplace, how to recognize hazardous conditions, signs and symptoms of workplace-related illnesses, and safe work procedures.

**(b)** Training required by VOSH standards must be provided in accordance with the particular standard.

- (c) Managers and supervisors must understand their safety and health responsibilities and how to carry them out effectively.
- (d) New employee orientation/training must include, at a minimum, discussion of hazards at the site, protective measures, emergency evacuation, employee rights under the OSH Act, and VPP.
- (e) Training should be provided for all employees regarding their responsibilities for each type of emergency. Managers, supervisors, and non-supervisory employees, including contractors and visitors, must understand what to do in emergency situations.
- (f) Persons responsible for conducting hazard analysis, including self-inspections, accident/incident investigations, job hazard analysis, etc., must receive training to carry out these responsibilities, e.g., hazard recognition training, accident investigation techniques, etc.
- (g) Training attendance must be documented. Training frequency must meet VOSH standards, or for non-VOSH required training, be provided at adequate intervals. Additional training must be provided when changes in work processes, new equipment, new procedures, etc. occur.
- (h) Training curricula must be up-to-date, specific to worksite operations, and modified when needed to reflect changes and/or new workplace procedures, trends, hazards and controls identified by hazard analysis. Training curricula must be understandable for all employees.
- (i) Persons who have specific knowledge or expertise in the subject area must conduct training.
- (j) Where personal protective equipment (PPE) is required, employees must understand that it is required, why it is required, its limitations, how to use it, and maintenance.

### **III. Merit Program:**

- A. The Merit program recognizes worksites that have good safety and health management systems but must take additional steps to reach STAR quality. If, during an initial on-site evaluation, the VOSH Review Team determines that an employer does not fully meet all STAR Worksite criteria but has demonstrated the commitment and possesses the resources to meet Star requirements within 3 years, the employer may enter the Merit program with set goals for reaching STAR. No extension beyond the initial three-year Merit term will be granted. If the worksite fails to meet STAR criteria within the allotted time, the worksite must withdraw from the program. New worksites may not apply at the Merit level and existing STAR Worksites are not eligible for Merit.

**B. Injury and Illness History Requirements:**

The TCIR and DART rate must be calculated and compared to the industry average in the same manner as for the Star Program, except that the 3-year rates do not have to be below the industry average. The following restrictions apply:

(a) If either the TCIR or DART rate is above the BLS average for all three of the most current years of available BLS data, the site must set realistic, concrete goals for reducing the rates within 2 years and must specify the methods (approved by the VPP Program Manager) to be used to accomplish the goals.

(b) It must be programmatically and statistically feasible for the site to reduce its TCIR and DART rate to below at least one of the three most current years of BLS data within 2 years.

**C. Comprehensive Safety and Health Management System Requirements:**

The basic elements and sub-elements described for Star participation (Management Leadership and Employee Involvement, Worksite Analysis, Hazard Prevention and Control, Safety and Health Training) must all be operational or, at a minimum, in place and ready for implementation by the date of approval. In addition, all minimum requirements must be met.

**D. Merit Goal:**

1. If the on-site evaluation team recommends participation in the Merit program, the site must then complete a set of goals in order to maintain Merit status and qualify for the STAR Program.
2. Merit goals must address STAR requirements not presently in place or aspects of the safety and health management system that are not up to STAR quality.
3. Methods for improving the safety and health management system that will address identified problem areas must be included in Merit goals.
4. Correction of a specific hazardous condition must be a 90-day item, not a Merit goal. However, when a safety and health management system deficiency underlies a specific hazardous condition, then corrections to the system must be included as Merit goals.
5. Reducing a 3-year TCIR or DART rate to below the national average is not by itself an appropriate Merit goal. Corrections to safety and health management system deficiencies underlying the high rate must be included in the Merit goals.

**E. Term of Participation:**

1. Participation as a Merit Worksite will be limited to a single term not to exceed 3 years.

- 2.** A site must meet Star rate requirements within the first 2 years of its Merit participation. This is to afford an additional year's experience, for a total of no more than 3 years to gain Star approval.
- 3.** A Merit site qualifies for Star when it has met its Merit goals, Star rate requirements, and when all other safety and health elements and sub-elements are operating at Star quality.
- 4.** A Merit site may qualify for the Star Program before the end of its Merit term if the site meets all conditions.

## Chapter 4 The Application Process

### I. Eligibility and Program Requirements:

#### A. Eligibility:

1. The VPP accepts applications from general industry in the private sector and from state, county, and other municipal government facilities that have implemented a safety and health management system meeting the requirements. VPP accepts applications from owners and site managers who control site operations and have ultimate responsibility for assuring safe and healthful working conditions at the site.

2. Applications for participation are subject to the following conditions.

#### 3. Employees' Support of Participation:

(a) Employees must support the site's participation in VPP. Requirements vary according to whether the site has a recognized employee representative, as explained in the *Federal Register* 65 FR 45650, July 24, 2000.

#### 4. VOSH Inspection History:

(a) If VOSH has inspected an applicant site in the 36 months preceding the application, the inspection, abatement, and any other history of interaction with VOSH must indicate good faith attempts by the employer to improve safety and health at the site.

(b) This includes verification of correction of all serious violations. In addition, the existence of any of the following at the site precludes the site's participation in VPP:

- i. Open enforcement investigations,
- ii. Pending or open contested citations or notices under appeal at the time of application,
- iii. Affirmed willful or 11(c) violations during the 36 months prior to application,
- iv. Unresolved, outstanding enforcement actions, such as long term abatement agreements or contests.

#### B. Program Requirements:

1. Applicants must understand and agree, through assurances, to fulfill program requirements for participation in the VPP.

2. Applicants must assure that:
- (a) The applicant will comply with the Act and will correct in a timely manner all hazards discovered through self-inspections, employee notification, accident investigations, a VOSH on-site review, process hazard reviews, annual evaluations, or any other means. The applicant will provide effective interim protection as necessary.
  - (b) Site deficiencies related to compliance with VOSH requirements and identified during the VOSH on-site review will be corrected within 90 days, with interim protection provided to employees.
  - (c) Site employees support the VPP application.
  - (d) VPP elements are in place, and the requirements of the elements will be met and maintained.
  - (e) Employees, including newly hired employees and contract employees when they reach the site, will have the VPP explained to them, including employee rights under the program and under the Act or 29 CFR Part 1960.
  - (f) Employees performing safety and health duties as part of the applicant's safety and health management system will be protected from discriminatory actions resulting from their carrying out such duties, just as Section 11(c) of the Act and 29 CFR 1960.46(a) protect employees who exercise their rights.
  - (g) Employees will have access to the results of self-inspections, accident investigations, and other safety and health management system data upon request. At unionized sites, this requirement may be met through the employee representative's access to these results.
  - (h) The information listed below will be maintained and available for VOSH review to determine initial and continued approval to the VPP:
    - i. Written safety and health management system
    - ii. Any agreements between management and the collective bargaining agent(s) concerning safety and health
    - iii. Any data necessary to evaluate the achievement of individual Merit or 1-Year Conditional goals
  - (i) Each year by February 15, each participating site must send its annual evaluation submission to the appropriate VPP Program Manager.

- (j) Whenever significant organizational, ownership, union, or operational changes occur, such as but not limited to a change in management, takeover, or merger, the site will provide VOSH within 60 days a new statement of commitment signed by both management and any authorized collective bargaining agents, as appropriate.
- 3. The applicant must demonstrate a willingness to follow through on all assurances.
- 4. Employees must be aware of the recourse available to them if management fails to fulfill any of these assurances. This may include rescinding their support of VPP participation or exercising the right to file a VOSH complaint.

**Preparing the Application:**

**C. Pre-application Assistance:**

1. The VPP Program Manager may visit a prospective applicant's site to offer assistance in the application process or before scheduling the on-site evaluation to obtain additional information or clarification of information provided in the application.
2. Pre-application assistance may also include referrals to the VPPPA Mentoring Program, to VPPPA conferences, and to VPPPA application workshops.

**D. Single or Multiple Applications:**

1. In most cases, a single VPP application is sufficient. Exceptions may occur, such as the following circumstances:

<i>If:</i>	<i>And:</i>	<i>Then:</i>
The applicant operates at a worksite where operations are physically separated but where a single, effective on-site evaluation is still feasible.	All applicant employees are covered by a single safety and health management system.	A single application is required.
Less than 50 percent of the predominant work* performed by employees is performed at off-site location(s), for example, the sales force of a manufacturing company.		A single application is required reflecting the appropriate NAICS code for the site.*
The applicant has multiple operations.		
The applicant's operations are separated by distances that would prevent an effective, single on-site evaluation.	All employees may or may not be covered by a single safety and health management system.	More than one application is required.
More than one employer at a single worksite is applying for VPP (for example, an office building),	N/A	

\*Follow the directions in the Standard Industrial Classification Manual or when adopted the North American Industrial Classification System (NAICS) Manual, to determine the predominant work and the appropriate NAICS code. If questions still exist, contact VOSH.



**E. Confidentiality:**

1. During the application process, prior to program approval, the application and all related information are confidential and therefore must be used solely for VPP related activities.
2. Only applications of approved participants will be kept in a public file. If an applicant withdraws, the original application and related documents must be returned.
3. The VPP Program Manager will retain the marked, working copy of the VPP application for 1 year, in order to respond to any questions the applicant may have.

**II. Procedures for Receipt and Review of Applications:**

- A. The VPP Program Manager must process applications as received, except as instructed below:

**1. Priority One:**

(a) The highest priority must be assigned to worksites that are specifically identified by VOSH for VPP participation to support agency-wide initiatives outlined in the Strategic Plan.

(b) Worksites also may be selected because they represent a potentially useful demonstration of the VPP concept in non-traditional workplaces.

(c) In addition, other types of worksites may be selected for special attention because, for example, they have the potential to serve as good role models for key regional industries or they represent locally successful "turnaround" companies.

**2. Priority Two:**

(a) Second level priority must be given to those worksites whose participation would increase the number of small establishments in the program.

(b) A worksite is considered a small employer if it has no more than 250 employees at any one facility, and no more than 500 employees in the corporation nationwide.

**3. Priority Three:**

(a) The third level of priority must be assigned to worksites whose participation in VPP would increase the industrial diversity of the program.

**4. Priority Four:**

(a) Fourth level priority must be given to applicants in those industries that already have VPP participants.

(b) Preferential treatment should be provided to those worksites that, based on an assessment of the application and other factors, appear to have a greater likelihood of achieving Star status during the initial on-site evaluation. (However, applicants that do not meet Star requirements will not be rejected.)

**B. Acknowledgment and Record of Receipt:**

1. The VPP Program Manager must notify the applicant by letter or e-mail of receipt of the application within 15 working days. The acknowledgment must also include the name and telephone number of the VPP Program Manager.

**C. Application Review:**

1. The VPP Program Manager must review the application to determine if it includes all required information listed in the most recent VPP application instructions, if the applicant is eligible for on-site review, to pinpoint any major deficiencies, and to notify the applicant that the identified deficiencies must be rectified prior to application acceptance.

(a) In general, application review should include an examination of the following:

**i. General Information:**

- Ensure that the general information includes but is not limited to: the applicant's site name, address, key contact personnel and titles, corporate identification, collective bargaining agent contact information, number of employees and contractor employees, type of work performed, and products produced.

**ii. Injury and Illness Rates:**

The rates supplied in the application must be examined as follows:

- For general industry, state and municipal facilities, the reviewer of the application must calculate the last 3 complete calendar years' total case incidence rate (TCIR) for injuries and illnesses and similarly, the days away, restricted, and/or transfer (DART) rate for injuries and illnesses for the site's regular employees.
- The reviewer must compare the 3-year site rates to the one of the three most recent published BLS rates for the appropriate North American Industrial Classification System (NAICS) code, for the site's regular employees as well as for all Applicable Contractors.
- The reviewer must determine if the applicant's injury and illness rates are low enough to warrant an on-site review.

**iii. Safety and Health Elements:**

- The reviewer must determine if the application describes how the applicant is meeting the VPP requirements, addressing each of the elements and sub-elements of an effective safety and health management system listed in Chapter III and as outlined below.

**iv. Management Leadership and Employee Involvement:**

- The applicant must describe top-level management leadership in the site's safety and health management system.
- Note: Management must clearly describe its commitment to meeting and maintaining the requirements of VPP.

- The applicant must also describe how employees are involved in safety and health.

**v. Worksite Analysis:**

- The applicant must describe methods used to recognize, identify, and analyze hazards.
- Effective worksite analysis provides the information managers and employees need for a thorough understanding of all hazardous situations to which they may be exposed.

**vi. Hazard Prevention and Control:**

- The applicant must describe and give examples of how hazards are addressed, including preventative maintenance, occupational health care program, emergency preparedness, and hazard elimination employing the hierarchy of controls.

**vii. Safety and Health Training:**

- The applicant must describe its formal and informal safety and health training program for managers, supervisors, and employees.
- The information must include training protocols and schedules of training.

**viii. Assurances:**

- The reviewer must determine that the application contains a signed statement of assurances and that all of the required assurances have been included.

**ix. Additional Attachments:**

- The reviewer must determine if the application contains the required additional attachments, as follows:
  1. Copy of top-level safety policy.
  2. Organization chart.
  3. Most recent annual evaluation.
  4. Site map.
  5. Signed statement of union support if applicable.

**D. Incomplete Applications:**

**(a)** If the application is considered incomplete, the VPP Program Manager must notify the applicant by letter, noting the missing elements and requesting that the missing information be submitted within 90 days.

**(b)** If the additional information is not provided within that time, the application must be returned to the applicant.

**(c)** It can be resubmitted when completed.

**E. Ineligible Applications :**

**(a)** If it is clear that the applicant cannot qualify for VPP, the VPP Program Manager must ask the applicant to withdraw the application within 30 days.

(b) If the application is not withdrawn, the VPP Program Manager must return the application with a letter indicating the reasons the application was denied by VOSH and forward a copy of the letter to Director of Cooperative Programs.

**F. Voluntary Withdrawal of an Application:**

(a) An applicant may withdraw the application by notifying the VPP Program Manager. The withdrawal is effective on the date the notification is received. Then the VPP Program Manager must:

- i. Return the original application to the applicant within 10 working days. If the application had already been accepted, the VPP Program Manager must retain a working copy for 1 year, for use in responding to questions that may arise.
- ii. The VPP Program Manager must acknowledge the withdrawal by letter, giving the official withdrawal date. The letter must include a statement that VOSH will entertain re-application if circumstances change. A copy of the letter must be sent to the Director of Cooperative Programs.

**G. Decision to Conduct the On-site Evaluation:**

(a) Once an application is accepted, the VPP Program Manager must:

- i. Notify the site--by letter or e-mail in a timely manner--that an on-site evaluation will be conducted. However, no on-site evaluation may be conducted until all enforcement actions have been closed.
- ii. Notify the appropriate Regional Director so that the site can be removed from any programmed inspection lists, effective no more than 75 days prior to the scheduled on-site review.

## Chapter 5 The On-site Evaluation

An on-site evaluation consists of a thorough evaluation of a VPP applicant's or participant's safety and health management system in order to recommend approval or re-approval. On-site evaluations are carried out by a team consisting of VOSH staff acting in a non-enforcement capacity, qualified volunteer safety or health professionals from private industry, and other qualified team members.

### I. Preparation for On-site Evaluations:

#### A. Scheduling On-site Evaluations:

1. On-site evaluations must be scheduled according to the priorities described in Chapter 4.III.A.1.
2. For new applicants, an on-site evaluation must be conducted within 6 months of the receipt of a completed application.
3. For participants, on-site evaluations must be conducted as follows:
  - (a) **STAR Participants:**
    - i. The first evaluation must be conducted between 36 and 42 months following initial approval.
    - ii. Thereafter, on-site evaluations must be completed within 60 months of the preceding on-site evaluation.

#### (b) **1-Year Conditional Star Participants:**

- i. The on-site evaluation must be conducted within 15 months (90 days plus 1 years' experience operating at Star level) after the site was placed on conditional status.

#### (c) **Merit Participants:**

- i. The first on-site evaluation must be conducted 18 to 24 months following initial approval (18 months is preferred).
- ii. If the review team determines that the site has then met all Star criteria and the required timeframes have been satisfied, then the worksite may be recommended by the review team for STAR status.
- iii. If the review team determines that the site has not yet met all Star criteria but is making satisfactory progress, then the site may continue at the Merit level until the end of the three-year term.
- iv. At the end of the term the site must either meet all Star criteria and be recommended for Star status or withdraw from the program.

#### B. Scheduling Exceptions:

1. On-site evaluations must be conducted earlier than normal scheduling requirements when:



- (f) Private Industry Volunteers (PIVs) or other private industry volunteers can comprise no more than 50% of the team.

**2. Selection of the Team:**

The VPP Program Manager must formally request team members. This may be done by e-mailing the proposed on-site evaluation schedule to VOSH Regional Directors, Consultation Program Manager, or employers of other private industry volunteers.

**(a) Basic Qualifications:**

All team members must have at least the following:

- i. Thorough knowledge of VPP policy.
- ii. OSHA Course 245, the Special Government Employee (SGE) course (required of PIVs), or other formal classroom training in evaluating safety and health management systems
- iii. Working knowledge and understanding of safety and health management systems
- iv. At least one of the VOSH employees (not including PIVs) on the team must have safety and health expertise

**(b) Team Leader:**

The team leader must meet the qualifications in a. above, plus have experience on three on-site evaluations, including once as a team member, once as a backup team leader, and once as a team leader in training (with a qualified team leader as backup team leader).

**(c) Compliance Officers (23g):**

VOSH personnel whose current duties include enforcement responsibilities in the region having jurisdiction over the site may be assigned to an on-site team provided the regional director approves of their participation and that such personnel are not permitted to subsequently engage in enforcement activity at the worksite for the following 5 years or until the site is no longer a VPP site, whichever comes first.

**(d) Consultation Staff (21d):**

VOSH safety and health personnel in the Consultation Program may be assigned to an on-site evaluation team in a training capacity, provided the Consultation Program Manger approves their participation. Consultation staff that are split-funded (21d and 23g) may participate as team members provided the necessary 23g funding is available.

**3. Preparing the On-site Evaluation Team:**

**(a) In Advance:**

The team leader must supply the team with the following information in advance of arrival at the worksite to be evaluated.

- i. **VPP History:**
  - For new applicants, team members must be given relevant sections of the application and the most recent self-evaluation.
  - For current participants, team members must be given a copy of the site's last on-site evaluation report.
  - Ensure that any Merit or 1-Year Conditional goals to be evaluated are provided.
- ii. **Inspection History:**
  - Team members must be given the inspection history and a summary of past interactions between the applicant and VOSH.
- iii. **Any Documents Obtained with the Application:**
  - If any records were submitted in advance of the on-site evaluation, these should be shared with team members.

**(b) Preparation Required of On-site Evaluation Team Members:**

In advance of the on-site evaluation, team members must prepare in the following ways:

- i. **Review:**

When feasible, team members must carefully review the application and any previous on-site evaluation reports.
- ii. **On-site Evaluation Report Format:**

Team members must familiarize themselves with the on-site evaluation report format to ensure they understand what information they will be responsible for obtaining during the on-site evaluation.
- iii. **Interview Questions:**

Team members must carefully review the interview questions in preparation for conducting on-site interviews.
- iv. **Personal Protective Equipment (PPE):**

Team members must equip themselves with any PPE, such as safety shoes and safety glasses, required for the on-site evaluation (unless they have been informed that PPE will be provided at the site).

**(c) On-site:**

Once the team has arrived at the location, the team leader should hold a short strategy meeting with the team to discuss team assignments to answer any questions that the team members may have.

**II. Conducting the On-site Evaluation:**



The three primary methods of evaluation must be document review, walkthrough, and interviews. Additional activities that must occur are the opening conference, daily briefings, report preparation, and closing conference. The on-site evaluation team must evaluate each element and sub-element of the safety and health management system and VPP requirements as described in Chapter 3. At the conclusion of the on-site evaluation, the on-site evaluation team must recommend to the Director of Cooperative Programs whether the site is suitable for participation or continued participation in VPP, and at what level of participation.

**A. Opening Conference:**

The opening conference with the employer and employee representatives will set the stage for the on-site evaluation, letting everyone know what to expect and what assistance will be needed. During this session the on-site evaluation team should be able to get a sense of the extent of commitment that exists at the work site. The team leader must convey the following information:

**1. Balanced Approach:**

Describe VOSH's view of the Voluntary Protection Program and the importance of VOSH's balanced approach between cooperative programs and enforcement.

**2. Purpose:**

Clearly state the purpose of the on-site evaluation.

**3. Full Disclosure:**

Indicate that the on-site evaluation team expects the site will adhere to the signed full disclosure assurances submitted with the application.

**4. Schedule:**

Outline the schedule for the on-site evaluation.

**5. Interviews:**

State that arrangements must be made to conduct private interviews with supervisors, union representative(s), maintenance personnel, recordkeepers, occupational health staff, and randomly selected employees, including contractor employees (if any).

**6. Responding to Hazards:**

Explain the differences between the walkthrough and an enforcement or consultation visit, as well as the hazard correction requirements for the evaluation.

**7. Status:**

Explain how the on-site evaluation team will keep the site representative updated daily on the progress of the on-site evaluation. When the on-site evaluation is completed, the VPP on-site evaluation team will discuss its findings with the site representative so that the recommendations are clearly understood.

**8. Employee Rights:**

Outline the rights of employees under the OSH Act

**B. Document Review:**

The applicant's or participant's written safety and health management system must describe how each of the requirements outlined in Chapter 3 are being met. The documents listed below are part of the written safety and health management system. The documentation of the system must be site specific. On a case-by case basis for small businesses, some documentation need not be in writing, provided all employees have the same clear understanding of the particular policy. This will be verified by the on-site evaluation team.

**1. Injury/Illness Data:**

The following documents must be reviewed to verify that the site is properly and accurately recording injuries and illnesses.

**(a) Summary of Occupational Injuries and Illnesses:**

- i. Review data for the most recent complete 3-year period, current year-to-date for the site, and any applicable contractors.
- ii. Recalculate the total case incidence rate (TCIR) and the days away, restricted, and/or transfer case incidence rate (DART rate) using the instructions found in Appendix A.

**(b) Incentive Programs:**

- i. The review of incentive programs must focus on ensuring that any incentive programs in operation at the site are not based solely on providing awards to employees for the reduction or absence of safety or health incidents. Instead, these programs should be innovative, positive, and promote safety awareness and worker participation in safety-related activities.
- ii. The on-site evaluation will focus on the incentive program's potential impact on the accuracy of reporting, injury and illnesses data.

**(c) First Reports of Injury:**

**(d) Incident and Near-hit Analysis:**

- i. Verify that all injury and illness incidents, as well as near-hits, are properly reported and investigated.

**(e) First-Aid Reports:**

- i. Verify that the first-aid incidents are properly categorized as such, and are not causing possible over-reporting.

**(f) Medical Surveillance Reports:**

**(g) Record Keeping:**

- i. Any cause for under- or over-reporting, such as lack of training in VOSH recordkeeping requirements, an incentive program, misdiagnosis of an injury or illness, etc., must be addressed.
- ii. Discuss any discrepancies or omissions with the recordkeeper. Determine corrective actions, and recalculate the 3-year TCIR and DART rate if necessary.

**2. Management Leadership:**

- (a) Management's statement of commitment to safety and health.
- (b) Written goals and objectives for safety and health.
- (c) Annual safety and health evaluation.
- (d) Job descriptions.
- (e) Performance standards and appraisals (These reviews must be performed in a manner that protects confidentiality and anonymity.)
- (f) Resource documents including budget projections.

**3. Employee Involvement:**

- (a) Safety and health committee minutes.
- (b) Self-inspection forms and records, accident investigations, hazard analyses, and employee reports of hazards.
- (c) Documents attesting to union support.

**4. Worksite Analysis:**

- (a) Baseline safety and industrial hygiene surveys.
- (b) Self-inspection forms and records.
- (c) Health hazard assessment and monitoring records (such as industrial hygiene surveys, sampling results, exposure calculations, and summary reports).
- (d) Hazard analysis forms and reports.

- (e) Accident/incident investigations to verify that all causes of an accident/incident are identified, undue blame or reprisal is not placed on employees, and recommendations for preventing future occurrence are listed.
  - (f) Hazard reporting system for employees.
  - (g) Annual safety and health management system evaluations, site audits, and when needed to demonstrate that VPP criteria are being met, corporate audits that a site voluntarily chooses to provide in support of its application.
  - (h) The system for managing contractor safety and health, and related documents.
  - (i) Trends analysis reports of injury/illness, accidents, employee hazard reports, etc.
5. **Hazard Prevention and Control:**
- (a) Hazard control programs required by VOSH standards (such as Lockout/Tagout, Hazard Communication, Respiratory Protection, Process Safety Management, Bloodborne Pathogens, Confined Space Entry, Emergency Response, etc.).
  - (b) Preventive maintenance program, maintenance schedule, and examples of work orders.
  - (c) Engineering studies, to verify that any over-exposures to health hazards were adequately addressed and controlled following the hierarchy of controls.
  - (d) Hazard correction/work order and tracking reports.
  - (e) Safety rules, examples of safe work procedures and practices.
  - (f) Disciplinary system, including a review of policy.
6. **Training:**
- (a) New employee and contractor orientation curricula.
  - (b) Training curricula related to required VOSH standards.
  - (c) Additional safety and health training curricula to verify that personnel performing hazard analysis and accident investigation are trained to do so. Also to verify that information from hazard analysis, accident reports, etc., are incorporated into training.
  - (d) Training attendance records and tracking method.
  - (e) Any other related documents that support and verify that VPP requirements are being met.

**C. Walkthrough:**

**1. Scope:**

The on-site evaluation team must walk through the site to understand the type of work performed and to gain a sense of overall work conditions. An orientation tour is conducted with the entire on-site evaluation team on the first day of the on-site evaluation. The remainder of the on-site evaluation must include a walkthrough of the entire worksite, unless the size of the site or nature of the process does not allow for it, in which case a representative sampling of all major operating areas and supporting activities must be covered.

**(a) Contractors:**

The on-site evaluation team must review areas where work is performed by contract workers to ensure that they are provided equally effective protection.

**(b) Hazard Analysis:**

The safety and health specialists must examine the site in sufficient detail to understand the types of hazards that exist and to determine that such hazards are controlled systematically by the safety and health management system.

**(c) Problem Areas:**

The on-site evaluation team must examine areas where site reports of the following indicate that uncontrolled hazards may be present:

- i. Baseline hazard analysis
- ii. Trends in injuries or illnesses
- iii. Employee complaints or concerns
- iv. Recurring accidents
- v. Health hazard surveys
- vi. Site self-inspections

**(d) Informal Interviews:**

During the walkthrough (and at other times, as appropriate) the on-site evaluation team must question randomly selected employees (including contract employees) privately at their work stations about prescribed work procedures, hazards to which they may be exposed, and their knowledge of how to protect themselves from hazards, including how to use and maintain their personal protective equipment. The team must keep track of the number of employees interviewed, but employee names and addresses must not be recorded.

**2. General Industry Safety and Health Review:**

**(a) The safety specialist/engineer and industrial hygienist must:**

- i. Follow the process flow where possible. Focus on areas where document review and/or interviews indicate that uncontrolled safety and health hazards may be present.

- ii. Look for evidence that hazards are appropriately controlled following the hierarchy of controls.
- iii. Identify and note any uncontrolled hazards that must be corrected. Ensure that a responsible member of management takes notes, as well, and agrees on a reasonable time period for correction.
- iv. If uncontrolled hazards are present, determine the causative deficiencies in the safety and health management system.
- v. Relate hazards seen in the work areas to safety and health management system improvements that would control the hazards and prevent recurrence.
- vi. Inform the team leader of findings at the end of each day.

**3. Process Safety Review:**

A process safety review is required at all worksites producing or using highly hazardous chemicals.

(a) Where possible, the review must be conducted in accordance with the Process Safety Management (PSM) Directive by a Level I trained Process Safety Management Specialist who must:

- i. Select at least one complete process and follow the process flow
- ii. Review process hazard analysis and operating procedures
- iii. Check process lines as necessary to verify documented system protection
- iv. Ask questions concerning system failure procedures during informal interviews with appropriate operator, maintenance, and contract personnel
- v. Formally interview maintenance personnel using questions found in OSHA Instruction CPL 2-2.45A
- vi. Review training records
- vii. Look for evidence that all considerations have been addressed and that management has identified and is controlling all hazards and potential releases
- viii. Note any problem areas that require improvement; relate these problems to documents reviewed concerning process safety and training; and note program improvements needed, if any, to enhance the management systems.

**D. Interviews:**

**1. Formal Interviews:**

(a) Private formal interviews are conducted in a private area away from the workstation to ascertain the extent of safety and health involvement and program awareness of managers, supervisors, employees, and contractors.

**2. Informal Interviews:**

(a) Informal interviews are conducted at employees' workstations during the walkthrough and at other times, as appropriate.

**3. Persons to Be Interviewed:**

(a) **Managers**

**(b) Supervisors**

**(c) Line Employees**

**(d) Occupational Health Care Professionals**

**(e) Maintenance Personnel**

**(f) Record keepers**

**(g) Contract Employees**

**(h) Temporary Employees**

**(i) Other Contract Employees:**

- i. Contract employees who work under their own company's supervision must be interviewed to determine whether they are aware of all the hazards to which they are exposed, and whether they are protected by a safety and health management system equal in quality to the applicant's.
- ii. Representatives from each craft should be interviewed, where possible.

**4. Selecting Persons to be Interviewed:**

- (a) The selection of persons to be interviewed must be made by the on-site evaluation team, not by the employer.
- (b) The team must be flexible in choosing the most reasonable method of selection, given the characteristics of the site and any concerns expressed by the employer. Methods for selecting employees for interviews include:
  - i. Identifying the most hazardous areas, selecting employees at random from those areas, and conducting informal interviews in these areas during the walkthrough
  - ii. For formal interviews, the team leader may select appropriate employees at random from an employee roster or using a random selection protocol.

**5. Scheduling Formal Interviews:**

- (a) Formal interviews lasting at least 15 minutes must be conducted in a manner that minimizes disruption.
- (b) The number of formal interviews is up to the team leader, based upon the size and nature of the site and whether a new applicant or current participant is being evaluated.

**6. Use of Interview Questions:**

- (a) The reviewers must assure each interviewee that responses will be treated confidentially, and that no single answer they give will influence the team's recommendation.

- (b) Notes (without names or addresses) should be made of employees' responses to interview questions and other comments. These notes later will be used to support the team's recommendation and the Agency's decision.

**III. Discussion of Findings:**

**A. Daily Debriefings:**

1. At the end of each day, the on-site evaluation team must meet privately to discuss their findings.
2. The team leader is responsible for organizing the findings and conducting daily briefings with the site management and employees.

**B. Uncontrolled Hazards:**

**1. Informing Site Management:**

- (a) As hazards are found and discussed during the walkthrough, the on-site evaluation team must add them to a written list of the uncontrolled hazards identified.

- (b) This list will be used when the team briefs site management at the end of the day.

**2. Hazard Correction:**

- (a) VOSH expects that every effort will be made by the site to correct identified hazards before the closing conference.

- (b) If hazard correction cannot be accomplished before the conclusion of the on-site evaluation, the on-site evaluation team and site management must discuss and agree upon correction methods and time frames.

- (c) The site may be given a maximum of 90 days to correct uncontrolled hazards, as long as interim protection is provided. These "90-day Items" must be corrected before the final on-site evaluation report can be processed. Management must provide the team leader with a signed letter indicating how and when the correction will be made. The team leader may decide to return to the site to verify correction.

- (d) If, after repeated attempts to reach agreement, site management refuses to correct a situation that endangers the safety and health of employees, that situation must be referred to the Director of Cooperative Programs who may, at his or her discretion, refer the matter to the Assistant Commissioner for review and, if necessary, enforcement action.



**C. Deficiencies in the Safety and Health Management System:**

Where the team detects deficiencies in the safety and health management system, even when physical hazards are not present, the on-site evaluation team must document these deficiencies as goals for correction, recommendations for improvement, or both.

**1. Goals:**

If the system deficiency is a requirement for VPP at the Star level, it must become the subject of a goal (either Merit or 1-Year Conditional). Implementation of goals is mandatory for VPP participation. Time frames, interim protection, and methods of achieving goals must be discussed and agreed to with site management.

**2. Recommendations:**

If improvement of the system deficiency is not necessarily a requirement for VPP, but will improve worker safety and health at the site, the improvement must be a recommendation. Implementation of recommendations is encouraged but is not mandatory for VPP participation.

**IV. Final Analysis of Findings:**

**A.** When the documentation review, the walkthrough, and employee interviews have been completed, the on-site evaluation team must meet privately to review and summarize its findings. The team leader must facilitate the discussion and assist the team members in drawing conclusions about the quality of the site's safety and health management system, based on their findings.

**B.** In analyzing their findings, the on-site evaluation team must consider the following:

1. Observations made in the work areas.
2. The nature of injuries or illnesses recorded on the Summary of Occupational Injuries and Illnesses and reflected in the First Report of Injury data.
3. The degree to which implementation of written programs has been verified.
4. Responses to formal and informal interviews.
  - (a) The reviewer must look for an overall pattern in the perceptions of managers, supervisors, employees, and contract employees regarding worksite conditions and the safety and health management system.
  - (b) Employee responses that are supported by information obtained by document review, observation, or other employee interviews should carry the most weight.
5. When the applicant or participant site is very small or in a low-hazard industry, some of the requirements for formality may be relaxed (for example, informal programs or scaled-down documentation), providing that a strong case can be made to support the effectiveness of the safety and health management system.

**V. Recommendations for First-time Participation:**

In the final private meeting prior to the closing conference, the on-site evaluation team must reach consensus on their recommendation for program participation.

**A. General Applicants:**

The on-site evaluation team must decide among the following recommendations:

**1. STAR:**

(a) When the on-site evaluation team finds that an applicant's safety and health management system meets all VPP requirements at Star quality, a recommendation for participation as a STAR Worksite must be made.

**2. Merit:**

(a) When the on-site evaluation team finds that an applicant's safety and health management system falls short of STAR quality in one or more elements requiring long-term goals for correction, but does meet the requirements for Merit participation, a recommendation for one 3-year (maximum) term of Merit Program participation must be made.

(b) The team leader, with input from the team members and site representatives, must develop Merit goals that relate to deficiencies in STAR quality discussed in the on-site evaluation report.

**3. Withdrawal of Application:**

(a) The on-site evaluation team must recommend withdrawal of the application if the site does not meet the requirements for either the STAR or Merit level of participation.

**VI. Recommendations for Participant Re-approvals:**

The on-site evaluation team must decide among the following recommendations:

**A. Star Participants :**

**1. Recommendation for Star Re-approval:**

(a) When the on-site evaluation team has judged that the site's safety and health management system continues to meet all STAR Worksite requirements, the team must recommend re-approval as a STAR Worksite upon satisfactory completion of any 90-day items.

**2. Recommendation for 1-Year Conditional Participation:**

The on-site evaluation team must recommend conditional STAR Worksite participation for 1 year (dating from the end of the 90-day deferral period) when the site meets the conditions of both (a) and (b) below:

(a) The participant's safety and health management system has fallen below Star quality in one or more requirements and those requirements can be satisfactorily met during a 90-day deferral of decision.

- (b) The site does not meet the requirement of having 1 years' experience operating at Star quality.
- (c) The team leader, with input from the team members and site representatives, must establish goals to be accomplished in order for the site to return to full Star status. The 1-Year Conditional goals must meet the same criteria listed for Merit goals.
- (d) The on-site evaluation team must recommend withdrawal from VPP if a Star participant is deficient in one or more requirements and any of the following apply:
  - i. Agreement cannot be reached on correction
  - ii. Correction cannot be accomplished within a 90-day deferral of decision
  - iii. The participant has not made good faith effort on agreed-upon corrections.

3. **1-Year Conditional Star Participants:**

(a) If all 1-Year Conditional goals have been met and the safety and health management system has been restored to Star quality, then the on-site evaluation team must recommend lifting the 1-Year Conditional status and returning the site to full Star Worksite participation.

(b) If all 1-Year Conditional goals have not been met, the on-site evaluation team must recommend that the site withdraw from the program. A former Star participant cannot be returned to the Merit Worksite level of participation.

4. **Approval of a Merit Worksite to Star Worksite**

(a) When the on-site evaluation team has judged that the Merit participant has met all agreed-upon goals, including Star requirements, the team must recommend approval as a Star Worksite.

(b) This may occur at the regularly scheduled on-site evaluation or earlier if the participant requests that VOSH return to the site ahead of schedule.

VII. **Closing Conference:**

- A. The findings of the on-site evaluation team, including its recommendation to the Commissioner, must be presented to site management and appropriate employee representatives before the team leaves the site.
- B. During the closing conference, the team leader must review:
  - 1. **Findings:**

Review the team's findings, addressing each of the major VPP elements as outlined in Chapter 3. Also review the injury and illness rates and how they compare to the industry national average.

2. **The On-site Evaluation Team's Recommendation to the Commissioner:**  
Discuss and support the on-site evaluation team's recommendation to the Commissioner so that the applicant or participant has a clear idea of how the site measures up to the requirements of VPP.
3. **90-day Items:**  
Review all uncorrected hazards, expected correction methods, and time frames.
4. **Goals:**  
Review 1-Year Conditional or Merit goals and time frames for correction.
5. **Recommendations:**  
Review any recommendations made by the on-site evaluation team for improvement of the site's safety and health management system.
6. **Responsibilities:**  
Remind the site of its responsibilities under Chapter 5, Assurances, and Chapter 7, Withdrawal Process.

**IV. The On-site Evaluation Report:**

**A. Purpose of the Report:**

The on-site evaluation team must write a report documenting the on-site evaluation to substantiate the team's recommendation to the Commissioner for approval or re-approval of the site in VPP. If the site is approved or re-approved, the report and any worksheets will become an official record in the public file along with the application, and will provide baseline data for future evaluation purposes.

1. The report must include the following information:
  - (a) Verification of the application information submitted by an applicant.
  - (b) Documentation of the qualifications of the site for participation.

**B. Writing the On-site Evaluation Report:**

All attempts must be made to complete a draft report before leaving the site. The draft report must reflect the consensus of the on-site evaluation team. Each team member must complete the sections of the on-site evaluation report assigned by the team leader, following the format in Appendix E.

1. **Review of the Draft On-site Evaluation Report:**  
Once the draft is complete, the team must review it and make any needed changes.

2. **Presentation of the Draft On-site Evaluation Report:**  
If the draft on-site evaluation report is completed on-site, the draft must be presented at the closing conference. If the draft report is not presented at the time of the closing conference, the team leader must advise the applicant approximately when the draft report will be available for review.
3. **Site's Comments and Revised Draft Report:**  
After the draft report is presented to the site, the team leader must allow the applicant or participant 30 days to review and comment on the draft report. A revised version of the on-site evaluation report must be prepared by the team leader following receipt of the site's comments.
- C. **Completing the Final On-site Evaluation Report:**  
The VPP Program Manager or team leader must compile the final report and submit it to the Director of Cooperative Programs for review.
- D. **Deferral of Final On-site Evaluation Report:**  
The final report may be deferred from submission to the Commissioner if uncorrected hazards are still present at the site after the closing conference or after the team leaves the site.
- E. The final report may be deferred for up to 90 days from the closing conference or until the site has corrected all uncontrolled hazards identified by the on-site evaluation team, whichever occurs first.
- V. **Correction of Remaining Hazards:**
  - A. **Hazard Correction Plan:**
    1. Within a week of the closing conference, the site must document in a letter to the VPP Program Manager or his/her designees any hazard correction plans (this can be the list of 90-day items) and dates agreed upon.
    2. This letter will be kept on file until all corrections have been made.
  - B. **Verification of Hazard Correction:**
    1. When the site has corrected the hazards, it must send a signed letter to the VPP Program Manager indicating how and when the corrections were made.
    2. The team leader or VPP Program Manager may decide to conduct a return visit to the site to verify the corrections. The findings of this visit must be written in a correction letter and kept on file. The correction letter may be made available to an on-site evaluation team at a later date.
  - C. **Finalizing the On-site Evaluation Report:**
    1. When hazard correction has been verified, the team leader must remove any lists of uncorrected hazards from the final report before submitting the report to the Commissioner.

**D. Failure to Correct Hazards by End of Deferral Period:**

If the deferral period has expired, the site has not corrected the hazards, and the VPP Program Manager has made every attempt to resolve the problem in a manner consistent with the cooperative spirit of the VPP, then:

1. The VPP Program Manager must inform the applicant or participant that the matter is being referred to the Director of Cooperative Programs.
2. The Director of Cooperative Programs must review the situation and make a decision regarding enforcement action. If the Director of Cooperative Programs decides that all cooperative efforts have failed and that VOSH must ensure hazard correction, he/she must send a memorandum to the Assistant Commissioner recommending that the appropriate Regional Director take enforcement action.
3. For withdrawal, termination, and reapplication procedures, refer to Chapter 6.

## **Chapter 6**

### **Participation Decisions and Management**

#### **I. Report Processing:**

After an on-site evaluation has been conducted and the on-site evaluation report has been completed, the VPP Program Manager submits the report to the Director of Cooperative Programs for approval and forwarding to the Assistant Commissioner.

#### **A. Final Decision Regarding Participation:**

1. All decisions are based on the on-site evaluation, final evaluation report, and recommendations.
2. In each of the following cases, the Director of Cooperative Programs must recommend an action to the Assistant Commissioner, who in turn must make a recommendation to the Commissioner regarding:
  - (a) Approval of new participants
  - (b) Approval from Merit Worksite to Star Worksite**
  - (c) Lifting of a Star participant's 1-Year Conditional status
  - (d) Withdrawal or termination of participation
  - (e) Re-approval (or disapproval) of participation as a Star Worksite
3. The Director of Cooperative Programs has responsibility for:
  - (a) Placing a Star participant on 1-Year Conditional status
  - (b) Acknowledging withdrawal of participation from the VPP

#### **II. Final On-site Evaluation Report and Participation Date:**

When the final on-site evaluation report is sent to the site with the Commissioner's letter announcing the participation decision, approval becomes final.

- A. For new approvals, approvals from Merit to the Star level of participation, re-approvals, lifting of a Star participant's 1-Year Conditional status, the effective date is the date the Commissioner's approval letter is signed.**
- B. For 1-Year Conditional Star status, the effective date is the date that the Director of Cooperative Programs re-approval letter is signed.

#### **III. Notification:**

- A. When the Commissioner's approval or congratulatory letter is signed, Director of Cooperative Programs must:

1. Notify the VPP Program Manager who will mail the letter, along with the final copy of the report, to the site manager. This mailing constitutes official notification that the site has been approved for participation in VPP. As a courtesy, inform the company of the approval and its effective date.
2. Inform the site that an official letter of approval or congratulations will be sent by mail immediately, and that the award certificate and flag will be available in approximately 1 month.
3. Inform the site that they may hold a ceremony and may request VOSH officials to make a formal presentation of the VPP award.

**IV. Award Certificates and Flags:**

Newly approved sites are awarded a certificate and flag. Re-approved sites are awarded a new flag (if needed).

**A. Flags:**

VOSH awards participants newly approved to a program a flag appropriate to that program. The VPP Program Manager must maintain an inventory of flags.

**B. Certificates:**

The VPP Program Manager must arrange for the printing of the award certificate(s) for initial approvals. The Director of Cooperative Programs must arrange for the award certificate(s) to be signed by the Governor and forwarded to the Commissioner for presentation.

**V. Approval Ceremonies:**

Upon notification of approval, a site representative should contact the VPP Program Manager to schedule the ceremony.

**A.** The Commissioner or the highest-level representative available shall make the presentation. The DCP may represent the Commissioner.

**B.** The site may send an invitation to the appropriate Regional Director, any VOSH personnel who were responsible for recruiting the site for VPP, as well as higher-level VOSH officials. The on-site team may also be included on the invitation list. In addition, the VPP Program Manager should suggest other potential invitees such as local political officials or other area companies that might be potential VPP candidates.

**C.** The VPP Program Manager will arrange press releases and should give the company names and telephone numbers of other VPP sites that have had good media coverage.

**VI. Withdrawal:**

**A.** Participants may withdraw of their own accord or be asked by VOSH to withdraw from the programs.



- B. Any participant may choose to withdraw voluntarily at any time.
- C. VOSH must request that a site withdraw from VPP if it is determined that the site is no longer meeting the requirements for VPP participation.
- D. **Change of Site Location:**
  - 1. If 75% or more of the employees remain with the employer then the participant can maintain its VPP status, but must:
    - (a) Submit a new letter of management commitment.
    - (b) Submit a new self-evaluation including a comprehensive baseline hazard analysis.
    - (c) Receive a satisfactory VOSH on-site evaluation within 12 months (6 months is preferred).
  - 2. If fewer than 75% of the employees remain with the employer then the participant must withdraw and reapply.
- E. **Withdrawal Process:**
  - 1. The participant must write a letter addressed to the Commissioner stating that it is withdrawing from the program, with the reason(s) for withdrawal, effective on the date of the letter.
  - 2. The Commissioner must send the participant a letter acknowledging the withdrawal. The letter must also state:
    - (a) That the VPP flag and certificate are invalid and must no longer be used.
    - (b) That the company's application, on-site evaluation reports, approval letters, and annual evaluations will be removed from the public file.
    - (c) That the establishment must be returned to the programmed inspection list, if applicable, at the time of the next inspection cycle.
    - (d) That VOSH will consider the site's reapplication to VPP if and when eligibility requirements are met.
- F. **Notification of Regional Office:**

The Assistant Commissioner must notify the appropriate Regional Director that the withdrawn site is no longer participating in the VPP and must be returned to the programmed inspection list for the next inspection cycle.

**VII. Termination:**

- A. VOSH may terminate a site from the VPP for failure to maintain the requirements of the program.

- B. Facilities that experience a fatality, whether an employee or contract employee, may be immediately suspended from program participation until such time as a VOSH fatality investigation can be completed. In the event the investigation shows substantial deficiencies in the plant's safety and health programs, such that during a normal certification audit the types of deficiencies would have precluded the site from participation in the VPP, the Commissioner, at his discretion, may terminate the site's participation in the VPP.
- C. Under most other situations, termination by VOSH should occur only when all efforts for assistance have been exhausted. An example is when VOSH has identified one or more serious problems and recommended technologically feasible solutions, but the participant has refused.
- D. Termination may also occur when evidence exists that the trust and cooperation among labor, management, and VOSH, upon which approval was based, no longer exist, or when VOSH requests a site to withdraw and it does not, or when a Merit term of approval has expired.
- E. VOSH must handle the termination of a VPP participant as follows:
  - 1. **Notice of Intent to Terminate:**  
The Director of Cooperative Programs, must notify the participant, and union representative(s) in writing of VOSH's intent to terminate the site's participation in the VPP.
  - 2. **Appeal Process:**  
The participant has 30 days from the receipt of the notice to appeal the intent to terminate. The letter must state the reasons why the site should not be removed from the VPP. Upon review of the site's justification for continued participation, the Commissioner, in consultation with the Director of Cooperative Programs, must make the final decision. If the Commissioner decides to terminate then the Director of Cooperative Programs must send:
    - (a) A memorandum explaining the reason(s) for termination of participation.
    - (b) The Director of Cooperative Programs must notify the Assistant Commissioner and by memorandum that the former participant must be returned to the programmed inspection list, if applicable, 30 days following the date of the termination letter.
    - (c) The Assistant Commissioner must notify the appropriate Regional Director to return the site to the programmed inspection list.
- F. If the Commissioner finds the site's appeal valid, the site may continue in VPP.

**VIII. Reinstatement:**

Reinstatement requires reapplication. See table below for time frames.

<i>If:</i>	<i>And:</i>	<i>Then:</i>
An applicant withdraws its application or a participant withdraws from the program of its own accord.	VOSH Inspection History conditions and Assurances are met [See Chapter 5].	The site may reapply at any time.
An applicant withdraws its application or a participant withdraws from the program due to a VOSH enforcement inspection.		The site can reapply when all enforcement activity is closed.
An applicant withdraws its application or a participant withdraws from the program voluntarily, due to a fatality.		The site may reapply immediately upon closure of VOSH activity, provided the VOSH fatality investigation does not fault the employer.
An applicant withdraws its application or a participant withdraws from the program, due to withdrawal of union support.		The site may reapply when a new letter of union support is received by the VPP Program Manager
VOSH terminates a participant.	N/A	The site must wait 3 years to reapply.

## **Chapter 7**

### **Enforcement Activity at VPP Sites**

#### **I. Additional VPP Assessment:**

This chapter describes the procedures followed by VOSH in the event of enforcement activity at a VPP applicant's or participant's site.

#### **A. Two types of enforcement activity trigger additional VPP assessment:**

##### **1. Unprogrammed VOSH Inspections:**

(a) Unprogrammed inspections occur in response to all referrals, formal complaints, fatalities, and catastrophes.

##### **2. Other Accidents or Events:**

(a) Other accidents or events, whether or not injuries or illnesses have occurred and whether or not normal enforcement procedures apply to the situation, may trigger reassessment.

(b) VOSH may reassess the site's safety and health management system if there is reason to believe that a serious deficiency exists that would have an impact on the site's continued qualification for VPP.

#### **II. VOSH Personnel:**

A CSHO who was a VPP on-site team member cannot conduct an enforcement inspection at that VPP site for the following 5 years or until the site is no longer a VPP participant, whichever occurs first.

#### **III. VPP Activity:**

**A.** If the event that triggers enforcement activity occurs during the time between application and on-site evaluation, the on-site evaluation must be postponed until the enforcement case is closed.

**B.** If there already is an open enforcement case at a site when the Regional Director is notified by a VPP Program Manager of a pending on-site evaluation, the Regional Director must inform the VPP Program Manager of the enforcement activity so the VPP evaluation can be postponed.

**C.** If the event that triggers enforcement activity occurs during the time between the scheduling and the beginning of an on-site evaluation, the VPP on-site visit must be postponed until the enforcement case is closed.

**D.** If the event that triggers enforcement activity occurs during the VPP on-site evaluation, the VPP on-site must cease until the enforcement case is closed.

#### **IV. Initiation of Enforcement Activity:**

When a Regional or Field Office receives a complaint, a referral or is notified of a fatality, catastrophe, or other event requiring enforcement occurring at a VPP site, the Regional Director must initiate an inspection following normal VOSH enforcement procedures.

- A.** The Regional Office must immediately notify the Director of Cooperative Programs of any fatalities, catastrophes or other accidents, or incidents requiring enforcement that occurs at a VPP worksite, as well as when a referral or complaint is received from a VPP worksite, including informal complaints that receive responses by letter.
- B.** If the VPP Program Manager is the first person to be notified by the site of an event requiring enforcement, the VPP Program Manager must instruct the site to contact the appropriate Regional Office.
- C.** When enforcement activity is complete:
  - 1.** The Regional Office must send the VPP Program Manager a copy of all reports resulting from enforcement activity.
  - 2.** The VPP Program Manager must review any reports of investigations triggered by referrals, formal or non-formal complaints, or letters written by the Regional Office concerning conditions at the VPP site, fatalities/catastrophes, and other accidents or incidents requiring enforcement or involving publicity.
  - 3.** The VPP Program Manager and the Director of Cooperative Programs must assess whether deficiencies in the site's safety and health management system led to the event and, if so, must use their professional judgment and discretion to determine one of the following courses of action:
    - (a)** In cases where there are no obvious systemic errors in the site's safety and health management system, the site was cooperative with the investigation, VOSH issued no willful violations, all cited hazards were abated, and VPP elements continue to be in place, a phone call with the site is sufficient to:
      - Obtain assurances that site management and unions (if applicable) remain committed to VPP.
      - Note any improvements in the site's systems, policies, procedures, and/or hazard controls.
      - Determine whether the site remains qualified for VPP participation.
    - (b)** In cases where there were minor systemic errors/failures in the site's safety and health management system or incorrect/inappropriate hazard control(s) selected, and where there may or may not have been fatalities, the site was cooperative with the investigation, VOSH issued no willful violations, and all cited hazards were abated, but where VPP elements may not be in place, the VPP Manager must visit the site to:
      - Review conditions pertaining to the event.

- Obtain assurances that site management and unions (if applicable) remain committed to VPP.
- Determine if the site remains qualified for VPP participation.

(c) In cases where the enforcement inspection leads to concerns about major failures in the site's safety and health management system, or a fatality or multiple fatalities occurred indicating that VPP elements are not in place, the Commissioner may, at his discretion and based on the findings of the fatality investigation, either terminate the site's participation or request that an on-site evaluation be conducted to:

- Review all safety and health management system elements.
- Obtain assurances that site management and unions (if applicable) remain committed to VPP.
- Determine if the site remains qualified for VPP participation.

(d) In cases where willful violations were issued and upheld, the site's participation will not automatically be terminated; however, the VPP Manager will closely review the case. If it is obvious that the site no longer meets the requirements of VPP, then an on-site is not necessary, and procedures for withdrawal or termination outlined in Chapter 6 apply.

**V. Decision for Continued Participation, Withdrawal or Termination:**

- A.** In the case of 3(a) or 3(b) above, the Director of Cooperative Programs may approve the site's continued participation. The Director of Cooperative Programs must forward a memorandum to the Commissioner describing his/her decision. No further action is necessary. If the Director of Cooperative Programs decides that termination is required, the procedures in Chapter 7 must be followed.
- B.** In the case of 3(c) or 3(d) above, the Director of Cooperative Programs must make a recommendation regarding the site's continued participation. The Director of Cooperative Programs must forward a memorandum describing his/her recommendation to the Commissioner.
- 1.** If the Commissioner decides that termination is required, the procedures in Chapter 6 must be followed.
  - 2.** If the Commissioner decides that the site may continue its participation, the Director of Cooperative Programs will be notified. After being notified of the Commissioner's decision, the Director of Cooperative Programs must:
    - (a)** Notify the site of the Commissioner's decision, and no further action is necessary, or
    - (b)** Re-approve the site according to procedures in Chapter 6, if the purpose of the on-site was also to determine re-approval.

**VI. Confidentiality:**

Information gathered during the VPP assessment cannot be used by the Regional Office for any enforcement activity at the worksite unless the worksite has refused to correct hazards found by the VPP team, the team has recommended enforcement action, and the Commissioner has initiated such action.

## **Appendix A**

### **Instructions for Calculating Injury and Illness Rates**

#### **I. Definitions**

- A.** Total Case Incidence Rate (TCIR). Total number of recordable injuries and illness cases per 100 full-time employees that a site has experienced in a given time frame.
- B.** Days Away, Restricted, and/or Transfer (DART) Case Incidence Rate. Number of recordable injuries and illness cases per 100 full-time employees resulting in days away from work, restricted work activity, and/or job transfer that a site has experienced in a given time frame.

#### **II. Review of Rates**

- A.** New applicants and current participants are required to calculate annual rates and 3-year rates for the last 3 complete calendar years. Information recorded in the OSHA 300 log will be used for the rate calculations.
- B.** VPP on-site teams will calculate the site's rates for the previous 3 full calendar years and the year-to-date rate. When reviewing participating sites, the VPP on-site teams also will review the rates of each applicable contractor.

#### **III. Contractor Rates**

- A.** Copies of each applicable contractor's hours worked and injury and illness data pertaining to the site must be maintained by site management. (See glossary for definition of applicable contractor).
- B.** Injury and illness data for temporary and contractor employees who are regularly intermingled with the owner's employees and under direct supervision by site management must be included in the site's rates.

#### **IV. Rate Calculations**

Rates are calculated by the formula  $(N/EH) \times 200,000$  where:

N = The sum of the number of recordable injuries and illnesses in the year

For the TCIR, use the total of items H, I and J from the OSHA 300A Summary. For the DART rate, use the total of items H and I from the OSHA 300 summary



EH = total number of hours worked by all employees in the year

200,000 = equivalent of 100 full-time workers working 40 hours per week, 50 weeks per year

Year-to Date	Hours	Total Cases (H, I and J from OSHA 300A)	Total Incident Rate (TIR)	Away, Restricted or Transferred Cases (H and I from the OSHA 300A)	Days Away, Restricted or Transferred Rate (DART)
2004	163780	3	3.7	1	1.2
BLS National Average			4.10		2.10

- A.** The calculations for 3-Year TCIR and DART are done in the same way. First, total the number of items from H, I and J from the OSHA 300A Summary for the past three full years. Divide this sum by the total hours worked for all three years. Multiply the result by 200,000. Use the table below as an example.

Year	Hours	Total Cases (H, I and J from OSHA 300A)	Total Incident Rate (TIR)	Away, Restricted or Transferred Cases (H and I from the OSHA 300A)	Days Away, Restricted or Transferred Rate (DART)
2000	163739	0	0	0	0
2001	156504	4	5.1	0	0
2002	148419	2	2.7	1	1.35
Total	468662	6		1	
3 Year Average (2000 – 2002)			2.60		.45
BLS National Average			4.10		2.10
Year to Date*	86897	0	0	0	0

**B. Rounding Instructions**

You must round the rates to the nearest tenth following traditional mathematical rounding rules. For example, round 5.88 up to 5.9; round 5.82 down to 5.8; round 5.85 up to 5.9.

**V. Comparison to National Averages**

Compare the 3-year TCIR and DART rate to 1 of the 3 most recently published Bureau of Labor Statistics (BLS) national averages for the NAICS code for the industry in which the applicant is classified.

**A.** These national averages, currently broken down by NAICS code, are found in the Table of Incidence Rates of Non-fatal Occupational Injuries and Illnesses by Industry of the BLS Occupational Injuries and Illnesses Bulletin that BLS publishes each year.

**B.** To calculate the percent above or below the national average use the following formula  $((\text{Site rate} - \text{BLS rate}) / \text{BLS rate}) \times 100$ .

**VI. Alternative Calculation for Small Worksites**

**A.** An alternative rate calculation is available to worksites where a single or relatively small number of incidents would cause the worksite's disqualification when using the normal 3-year rate calculation. If the following criteria are met, the TCIR and DART rate calculations can be based on the best 3 out of the most recent 4 complete calendar years' injury and illness incidence experience.

**B.** Using the most recent calendar year's hours worked, calculate a hypothetical TCIR assuming the employer had two cases for the year. Compare the hypothetical rate to the most recently published BLS national average TCIR for the industry. If the hypothetical rate is equal to or higher than the BLS rate, the employer qualifies for the alternative rate calculation method.

**Appendix B**  
**Voluntary Protection Programs Participants' Association (VPPPA)**

**I. Purpose**

- A. The Voluntary Protection Programs Participants' Association (VPPPA), a nonprofit 501(c)(3) organization founded in 1985, is a leader in promoting excellence in workplace safety and health and environmental protection through cooperative programs between government, management, and labor.
- B. The VPPPA works closely with the Occupational Safety and Health Administration (OSHA) and Virginia Occupational Safety and Health (VOSH) to promote the growth of the VPP. As part of its efforts to share the benefits of cooperative programs, it also partners with VOSH in the development and implementation of cooperative programs within the agencies.
- C. Additionally, the VPPPA provides expertise to these groups in the form of comments and stakeholder feedback on proposed agency rulemaking and policies.
- D. The Association also provides comments and testimony to members of Congress regarding legislation impacting worker safety and health and the environment.
- E. The VPPPA has 10 regional chapters throughout the United States. These regional chapters consist of representatives from approved VPP sites.
- F. The VPPPA maintains a website at [www.vpppa.org](http://www.vpppa.org).
- G. Although VOSH recognizes the many benefits available to the VPPPA's membership, there is no requirement that a VPP applicant or approved participant join the VPPPA.

**II. Conferences**

**A. National**

- 1. Each year, the Association holds its Annual National VPPPA Conference in a major U.S. city.
- 2. The conference offers a unique forum for employees, managers, and government leaders to work and learn together to achieve better workplace safety, health, and environmental protection.
- 3. The week-long event includes general sessions featuring top officials from OSHA, and corporate America, several full days of workshops coordinated by VPPPA members, an Exhibit Hall, and several evening networking functions.

- B. Regional. All regional VPPPA chapters hold annual regional conferences.

### III. Mentoring

#### A. Purpose

1. The goal of the VPPPA's Mentoring Program is to use proven skills found among employees at VPP sites to help protect workers at other sites, through implementation or improvement of safety and health management systems.
2. The program is voluntary and coordinated from the National Office of the VPPPA in Falls Church, Virginia.

#### B. Background

1. The Mentoring Program was established in Spring 1994 by the VPPPA in consultation with OSHA.
2. The program formalizes and expands the mentoring and assistance that VPP participants were providing to facilities interested in pursuing application to VPP.
3. The scope of the program has since been expanded to assist applicants to the DOE's VPP and any site that wants to improve its safety and health management system.
4. Mentors provide guidance in developing the VPP application and share techniques to improve a facility's safety and health management system.

### IV. Mediation Program

- C. The VPPPA offers free mediation services to VPP applicant and participant sites impeded in their efforts due to labor-management disputes. Mediator involvement takes place only when all parties agree to invite mediators to the site.
- D. This could occur when a facility is contemplating VPP involvement, or when one or more parties in a VPP partnership are considering withdrawing from the program. Two-person co-mediator teams will travel to a site and assist parties in reaching an appropriate decision.
- E. However, mediators have no authority to bind any party to a commitment. The VPPPA mediators have been trained in alternative dispute resolution techniques by the Federal Mediation and Conciliation Service.

**V. Workshops**

The VPPPA offers courses and workshops throughout the United States tailored expressly for those interested in or already participating in an OSHA, DOE, or state plan VPP.

**A. The VPP101 Workshop**

1. This module is designed for worksites that are considering VPP participation.
2. The workshop, developed by VPPPA and OSHA, introduces the VPP concepts and provides information and networking opportunities for those interested in pursuing a cooperative partnership.

**B. The VPP Application Workshop**

1. A 1-day event, tailored toward worksites interested in applying to the VPP through OSHA, DOE, or state plans.
2. Using materials from actual applications, a panel of OSHA and VPP site representatives teaches participants how to approach and build their respective applications.

**C. Strengthening Star Quality Workshop (SSQ)**

1. This seminar offers experienced VPP participants a unique opportunity to exchange ideas and discover innovative approaches to meeting the requirements for VPP re-approval.
2. The workshop focuses on “continuous improvement” in safety and health performance.

## **Appendix C**

### **Format for Annual Self-Assessments**

Participation in the Virginia VPP requires each site to annually evaluate the effectiveness of its safety and health management system. The evaluation, which must be submitted to the VPP Program Manager by February 15<sup>th</sup> of each year, must include assessments of the effectiveness of all elements and sub-elements of the participant's safety and health management system as described in Chapter 3 of this manual. VOSH also expects the evaluation to include injury and illness data for all applicable contractors, progress towards Merit or 1-Year Conditional goals (if applicable), and success stories. VOSH uses the information to update records and statistics, to showcase successes related to implementation of the VPP requirements, and to demonstrate that participants are committed to continuously improving worker safety and health at their facilities.

The evaluation should include a review of all safety and health programs, an inspection of the workplace, and interviews with employees.

During this process participants should be answering the following questions relating to each element and sub-element of their safety and health management system:

1. Is it comprehensive?
2. Is it operating effectively and meeting established goals and objectives?
3. What improvements can be made to make it even more effective?
4. What goal modifications should be made for the upcoming year?

A self-evaluation is not a compliance audit. It is a critical review of all of the elements of the safety and health management system, including a review of site and applicable contractors' injury and illness data and trends.

The following is a suggested format.

## **Annual Self-Evaluation Format for VPP Star Worksites For Calendar-Year 2014**

Participation in the Virginia Voluntary Protection Program (VPP) requires that each Star Worksite annually evaluate the effectiveness of its safety and health management system and submit a report to the VPP Program Manager by February 15 of each year. The preferred method of submission is via E-mail to the VPP Program Manager at [stern.milford@dol.gov](mailto:stern.milford@dol.gov).

The evaluation must assess the effectiveness of the site's safety and health plans with regard to each of the VPP elements and sub-elements. The evaluation should be comprehensive and include a review of all written safety and health programs, a comprehensive site inspection, and interviews with employees.

The self-evaluation should not be a compliance audit; rather it should be a critical review of all of the elements of the safety and health management system including a review of site and applicable contractor's injury/illness data and trends. The review should identify strengths and opportunities for improvement that will translate into goals for the coming year. It should also identify any particularly noteworthy achievements.

VOSH uses the information in the self-assessment to update records and statistics, to showcase successes related to implementation of the VPP requirements, and to verify that VPP Star participants are committed to continuously improving worker safety and health at their facilities.

## Section A – Report Cover Page

### Virginia Voluntary Protection Program Annual Self-Evaluation

For Company Name  
Date Submitted:

#### Corporate Information (if applicable)

Name:  
Address:  
Phone:

#### Site Information

Name:  
Address:  
Plant Manager:  
Site VVPP Contact:  
Voice:                      FAX:                      E-Mail:  
VVPP Status:  
SIC:

#### Injury and Illness Rate Summary

TCIR and DART previous                      TCIR:                      DART:  
year:  
Site Employees:  
Contract Employees:

#### Union Information

Name and Local  
#:  
Site Rep:  
Address:  
Voice:                      FAX:                      E-Mail:

\*Average Employment figure as recorded on OSHA 300A Summary.

\*\*Total hours as recorded on the OSHA 300A Summary



**Section B - Detailed Injury & Illness Rate Information**

Please submit a separate table for: 1) all site employees including temporary and contract workers who are directly supervised by site management and 2) each applicable contractor (contractors who worked 1,000 hours or more in any calendar quarter). Comparisons to BLS data for contract employees should report only the contractor injuries/illnesses experienced at your site.

**Table 1 - Site Employee Data**

**NAICS		Average Annual Employment		Total Hours Worked	
Year	Hours	Total Cases	Total Case Incident Rate (*TCIR)	Days Away Restricted, or Transferred Cases	Days Away, Restricted, or Transferred rate (*DART)
2005					
<a href="#">#Most recently published BLS rate</a>					
Percent above / (below) BLS rate					
2006 YTD					

**Table 2 - Contract Employee Data for XYZ Corp**

**NAICS		Average annual Employment		Total Hours Worked	
Year	Hours	Total Cases	Total Case Incident Rate (*TCIR)	Days Away Restricted, or Transferred Cases	Days Away, Restricted, or Transferred rate (*DART)
2005					
<a href="#">Most recently published BLS rate</a>					
Percent above / (below) BLS rate					
2006 YTD					

## Section C – Description of Workplace

1. Give a brief description of the type of work performed at your facility.
2. Give a breakdown of the number of employees that are salaried (exempt) and hourly (non-exempt).
3. Describe the hours and shifts that employees work in your facility.

## Section D - Detailed Injury & Illness Rate Information

1. Please discuss any significant reductions in your TCIR or DART rates. Be sure to include specific actions that you believe had a direct impact on the reductions. If your rates have increased since 2004, you must identify and describe the contributing factors and corrective actions taken in the body of the evaluation of each related element and sub-element in Section E, below. If your *three-year* rates (2001-2003) are now above the most current BLS average, you must also submit a rate reduction plan based on your findings. Contact your VPP Program Manager to discuss the terms of your rate reduction plan.
2. Discuss your facility's safety performance in general terms, highlighting major accomplishments. Make this part a few paragraphs at most.
3. List goals, objectives, and recommendations made by safety committees or others. The status of these goals should be included in your self-assessment for the following year.

## Section E - Status Report on Previous Year Recommendations

Summarize below the status of any recommendations that were made or goals that were set in the previous year, or years. If any of the recommendations or goals have not yet been implemented or reached, explain what steps are being taken and an estimated date of implementation/completion. For completed recommendations and goals explain what benefits were realized. In the case of a new VPP facility, the status of recommendations made by the VPP review team should be summarized here.

## Section F - Significant Changes or Events

Describe the impact of any significant changes (management, corporate buy-outs, etc.) and events (fatality, catastrophe, accident, complaints, etc.) and the steps that were taken to ensure or restore worker safety and health.

## Section G - Narrative Evaluation of Safety and Health Management System

In a narrative format, assess the effectiveness of each of the four elements and their sub-elements in your safety and health management system. For each sub-element include a description of:

- Improvements made since the previous year and completion of the previous year's recommendations

- Any deficiencies identified, recommendations for improvement, the person(s) responsible for fulfilling each new recommendation, and target dates for their completion

1. Management Leadership and Employee Involvement

- a. Management Commitment
- b. Employee Involvement
- c. Contract Worker Coverage
- d. Safety and Health Management System Annual Evaluation

2. Worksite Analyses

- a. Pre-use analysis
- b. Baseline Safety and Health Hazard Analysis
- c. Job Hazard Analysis of Routine Tasks
- d. Routine Inspections
- e. Hazard Reporting System for Employees
- f. Industrial Hygiene Program
- g. Investigation of Accidents and Near-Misses
- h. Trend Analysis

3. Hazard Prevention and Control

- a. Certified Professional Resources
- b. Hazard Elimination and Control Methods
- c. Occupational Health Care Program
- d. Preventative Maintenance of Equipment
- e. Tracking of Hazard Correction
- f. Disciplinary System
- g. Emergency Preparedness

4. Safety and Health Training

## **Section H - Success Stories**

One of the major goals of VPP is to share the good things you have done so that others can benefit from what you have learned. So, don't be shy about your great achievements from last year. Please describe any success stories correlated to the implementation of VPP requirements. Include anecdotal as well as statistical evidence of improvements.

Helpful websites:

Injury and illness summary tables (Table 1) for all NAICS can be found at the following link:

<http://www.bls.gov/iif/oshsum.htm>

The national TCIR and DART rates for your NAICS can also be found using the BLS automated website located at: <http://data.bls.gov/labjava/outside.jsp?survey=sh>

To retrieve TCIR and DART information from the BLS automated web page you will need to follow the directions below:

#### **For TCIR**

1. Select a Data Type "Rate of Injury and Illness Cases for 100 f-t workers".
2. Select a Case Type "Total recordable cases".
3. Select a Division "30 Manufacturing" (or whatever major division your business is in).
4. Select the specific industry - Enter your NAICS in the "Find" box then click the "Find" button

Once you selected criteria in each of the **four** areas click the "Add To Your Selection" button. Then if you do not want any additional data click the "Get Data" button, or you can fill in the selection data for DART, which is explained below.

#### **For DART**

1. Select a Data Type "Rate of Injury and Illness Cases for 100 f-t workers".
2. Select a Case Type "Lost workday cases".
3. Select a Division "30 Manufacturing" (or whatever major division your business is in).
4. Select the specific industry - Enter your NAICS in the "Find" box then click the "Find" button. Your specific NAICS.

Once you have selected criteria in each of the **four** areas click the "Add To Your Selection" button. Now you can click the "Get Data" button and the information will be retrieved.

**Section I – In this section please include injury and illness data from the last three years (more if you have them) prior to your Star certification. I understand that the data will be different for the years prior to the Form 300 but they will still be roughly comparable**

**Appendix D**  
**On-site Evaluation Report Format**

VPP SITE REPORT  
Recommending

**STAR APPROVAL**

**For**

**Company Name**

City, State

April 1, 2001

Report Date  
April 4, 2001

**Evaluation Team**  
**Name, Team Leader**  
**Name, Backup Team Leader**  
**Name, Safety Specialist**  
**Name, Hygienist**  
**Name, PIV**

- I. Purpose and Scope of Review
  - A. Site name
  - B. Site location
  - C. Date of evaluation
  - D. Purpose of evaluation
  - E. VPP Team Members
  - F. VPP Volunteers
- II. Methods of Data Collection
- III. Employees at the Worksite
  - A. Number of employees
  - B. Contract workers and/or temporary workers
  - C. Collective bargaining agent(s) representing the employees
  - D. Number of interviews conducted with different types of workers
- IV. The Worksite
  - A. NAICS Code
  - B. Site description (one location or many, acreage, age, primary structures, etc.)
  - C. Basic description of processes, products, and applications
  - D. Covered under Process Safety Management
  - E. Housekeeping
- V. Worksite Hazards
- VI. Injury and Illness Rates
  - A. Rates - TCIR, DART
  - B. Comparisons to BLS industry averages
- VII. VOSH Activity
  - A. Prior VOSH inspection activity
  - B. Relationship with VOSH

VIII. Elements of the VPP Review/Program Changes

A. Bulleted summary of VPP Elements with a reminder that all aspects of the Safety and Health program meet the VPP requirements as set forth in the VOSH VPP Policy and Procedure Manual.

1. Management, Leadership, and Employee Involvement
2. Worksite Analysis
3. Hazard Prevention and Control
4. Safety & Health Training

IX. Areas of Excellence: A bulleted list and description of best practices (e.g., machine guarding, ergonomics, lockout/tagout, employee involvement)

X. Recommendation for Participation

XI. Goals

- A. Merit goals (if relevant)
- B. 1-Year Conditional goals (if relevant)

## **Appendix E**

### **Recommended Interview Questions**

I. Purpose. Interviews are an important tool in assessing the effectiveness of a site's safety and health program. These questions are intended to guide the VOSH reviewer during oral employee interviews. To begin, explain the purpose of the interview and the reason for VOSH's presence at the site. Make employees aware that interviews are kept confidential and that the employee's responses will not in themselves determine company approval or disapproval.

#### II. General Employee Interview Questions

- A. How long have you worked here?
- B. Tell me about your job. What do you do during a typical day?
- C. What are the safety and health hazards of your job?
- D. How do you protect yourself from those hazards?
- E. What kind of personal protective equipment do you wear? Were you provided training?
- F. What type of safety and health training have you received?
- G. What happens if management disobeys a company safety rule? If an employee disobeys?
- H. How do you respond in the event of a fire, hazardous waste spill, alarm, or medical emergency?
- I. What does VPP mean to you?
- J. What is one method of reporting a safety or health concern? What was the last unsafe practice you reported and/or corrected?
- K. How do your supervisors demonstrate their involvement in safety and health?
- L. Have you ever seen anyone testing the air, noise levels, or conducting other surveys for possible health hazards? Do you know what the results were or what they meant?
- M. Have you or anyone you know ever been injured or experienced a job related illness? What is the procedure when someone is injured?
- N. How are you involved in the safety decision-making process?
- O. Is safety and health valued in your organization?
- P. What is one objective in your department's safety program?
- Q. How does management support your involvement in safety?
- R. What are your rights under VOSH?
- S. Is there anything else you think we should know about the safety and health program here?



## II. Supervisors

- A. How long have you worked here? When did you become a supervisor?
- B. What do you see as your role in safety and health?
- C. To what kinds of hazards are you and/or your employees exposed?
- D. Has the company's upper management provided adequate resources for safety and health programming, such as funding, time, and technical support?
- E. What do you do when you discover a hazard in your area?
- F. What do you do when an employee reports a hazard in your area?
- G. Do you provide employee training in safety related topics? (If so, please describe.)
- H. Please give some examples where you had to use the disciplinary system for infractions of safety and health rules.
- I. When was the last emergency drill? What is your role in drills?
- J. How are you held accountable for ensuring safe and healthful working conditions in your area?
- K. At high hazard chemical plants only: Is maintenance satisfactory, particularly on release prevention equipment? Is there adequate supervision provided for work performed on all shifts?
- L. Do you have contract employees working in your area? If so, how do you control and address safety or health hazards relating to or created by them?
- M. Are there routine or unannounced inspections? Who participates?

## III. Administrators and Executives

- A. How long have you been with (company)?
- B. Describe the type of safety and health hazards at this site.
- C. How does management ensure that employee exposure to those hazards is eliminated or controlled?
- D. How do you demonstrate leadership in and commitment to safety and health?
- E. What benefits will a VPP partnership provide for your company?
- F. What do you think are your facility's best safety and health practices?
- G. How do you address the competing pressures of production and safety?
- H. How do you hold your supervisors accountable for safety and health? Have you ever had to discipline a supervisor for not following the rules?
- I. How are you held accountable for your safety and health responsibilities?

#### IV. Recordkeepers

- A. Who is responsible for recordkeeping?
- B. Is your site recordkeeping centralized? Is it computerized?
- C. Do you have a completed Summary of Occupational Injuries and Illnesses for the last 3 calendar years? Do you have the supplemental documentation for each case entered on the log?
- D. Which form do you use as the supplementary record: VOSH's First Report of Injury, a State workers' compensation form, an insurer's form, or other?
- E. What is the process by which injury and illness information gets to the recordkeeper? After an injury or illness occurs, how long does it take to enter it on the log?
- F. What type of reference material do you refer to for guidance on keeping illness and injury records?
- G. Who decides whether or not a case is recordable?
- H. How do you determine whether or not a case is work related?
- I. Do you record any cases on the VOSH forms that are not compensable under workers' compensation?
- J. How do you distinguish between an injury and an illness? Between medical treatment and first aid?
- K. When does a case involve lost workdays? What constitutes restricted work activity?
- L. What is your process for monitoring applicable contractor logs?
- M. How do you safeguard the confidentiality of medical records?
- N. How do you assure that any work restrictions are applied appropriately?
- O. How have you assured timely and clear communications with the health care professional?

#### V. Occupational Health Care Professionals

- A. What are your qualifications and licenses?
- B. What procedures are in place to ensure that health care services are delivered consistently and effectively?
- C. What type of audit procedures do you use to compare your process with acceptable standards of practice and VOSH requirements?
- D. Are employees provided timely access to services?
- E. How do you assure that work restrictions or work removal are followed?
- F. How are you made aware of the job hazards at this facility? Are you included in identification of workplace hazards, or development of restricted duty jobs, or other on-site issues?
- G. What kinds of health surveillance programs are in place?
- H. How do you communicate health surveillance data to employees and management to reduce future risk?
- I. Explain how you evaluate the effectiveness of your occupational health care program.

VI. Maintenance Personnel

- A. Is there a scheduled preventive maintenance program? How is it carried out?
- B. At sites covered by Process Safety Management (PSM): Does the preventive maintenance program include:
  - 1. Critical instrumentation and controls?
  - 2. Pressure relief devices and systems?
  - 3. Metals inspection?
  - 4. Environmental controls, scrubbers, filters, etc.?
- C. At PSM sites: Does the design, inspection, and maintenance activity include procedures to prevent piping cross-connections between potable water systems and non-potable systems?
- D. How are these procedures carried out?
- E. How are systems monitored and inspected to find any cross-connections?
- F. Do maintenance personnel participate in safety functions?
- G. Is there a priority system for safety/environmental related maintenance items? Is it being followed?
- H. Does the preventive maintenance program include on-site vehicles, sprinkler systems, detection/alarm equipment, fire protection and emergency equipment?
- I. Do you have input concerning safety and ease of maintenance for new equipment and machinery purchases?
- J. Do you have an inventory of spare parts critical to safety and environmental protection?
- K. Are you trained in the control of hazardous energy and the proper use of locks and tags?
- L. Is there a system in place to track requests for repairs?
- M. What methods are used to monitor the condition of critical equipment?
- N. What the ratio is of scheduled versus unscheduled maintenance work?
- O. What has the trend been like over the past few years?

VII. General Questions for On-site Evaluations to Determine Re-approval

- A. Describe any changes in your job or in the handling of safety issues since the last VOSH on-site evaluation.
- B. How familiar are you with VPP? Has your awareness increased since the last visit?
- C. Do you have any increased knowledge of your rights under the program, including your right to receive upon request results of self-inspections or accident investigations?
- D. Do you feel that the VPP partnership has had a positive impact on your job and your safety?

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