

## VPP APPLICATION INSTRUCTIONS for the MOBILE WORKFORCE WAY TO PARTICIPATE



What follows are instructions for applying to the VPP mobile workforce way to participate. We encourage you to involve employees and managers in completing your application. After OSHA reviews and accepts your written submission, we will schedule an onsite evaluation.

If you are in a state that operates its own OSHA-approved program, check with your state agency to learn specifics regarding its VPP application process.

There is some paperwork required in the application process, but we encourage you to use as much existing material as possible. **Please provide a list/index of all materials you choose to attach to your application.** Most worksites have found that, in the process of applying, they gain a greater understanding of worker protection and discover ways to improve their safety and health management system.

VPP reviewers don't look for a single correct way to meet VPP requirements. They want to see a system that works for you. Some successful safety and health management systems involve substantial written documentation, and others do not. Small businesses, in particular, often are able to implement excellent safety and health processes with relatively little documentation.

If you need more information, you can contact your nearest OSHA VPP Manager or Coordinator through OSHA's Regional and Area Offices. In addition to answering your questions, your Regional VPP Manager or Coordinator can refer you to VPP participants in your area. We encourage you to contact participants. They are happy to share their experience.

OMB# 1218 – 0239

Expires xx-xx-xxxx

Public reporting burden for this collection of information is voluntary and is estimated to average 200 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspect of this collection of information, including suggestions for reducing this burden to the Office of Partnerships and Recognition, Department of Labor, Room N-3700, 200 Constitution Avenue, N.W., Washington, DC 20210

## **I. General Information**

### **A. Applicant**

1. Company/Employer
  - a) Name
  - b) Address
  - c) Mailing Address (if different from above)
2. Manager
  - a) Name
  - b) Title
  - c) Phone Number
  - d) E-mail Address
3. VPP Contact for OSHA correspondence (if different from Manager)
  - a) Name
  - b) Title**
  - c) Phone Number**
  - d) E-Mail Address

### **B. Designated Geographic Area (DGA)**

1. Identify the Designated Geographic Area (DGA) you are proposing.
  - a) A DGA cannot be smaller than an OSHA Area Office boundary and cannot exceed an OSHA Regional Office boundary
  - b) OSHA, after consulting with an applicant and considering the applicant's preference, will define a geographic area for VPP participation.

**c)** The successful mobile workforce applicant will achieve VPP participation and receive OSHA recognition for all its temporary work projects and resident contractor work projects in the DGA.

2. Provide a list of current work projects, including addresses, within the proposed DGA, plus a list of work projects expected to be active or scheduled within the next 12 months.

**C. Company/Corporation**

1. Name (if different from above)
2. Address
3. VPP Contact (if applicable)
  - a) Name
  - b)** Title
  - c)** Phone Number
  - d) E-mail Address

**D. Union Information**

Provide information for each union separately, in accordance with established guidelines (See Appendix E Union Support for Participation)

1. Full Name of Union and Local #
2. Authorized Bargaining Unit Representative's Name
3. Address
4. Phone Number
5. E-mail Address

**E. Number of Employees and Contractor/Subcontractor Employees within the Proposed Designated Geographic Area (DGA)**

1. Total estimated number of employees working at your sites within the proposed DGA. This total must include regular hires, temporary employees, and contractor/subcontractor employees.
2. Number of temporary employees that you supervise within the DGA.
3. Estimated number of contractor/subcontractor employees within the DGA.

#### **F. Type of Work Performed, Products Produced, and Typical Hazards**

1. Provide a comprehensive description of the work performed at your sites within the DGA and the type of products produced.
2. Provide a description of the types of hazards typically associated with your industry and your work projects/sites within the proposed DGA.

#### **G. Applicant's Industrial Classification Codes**

1. Provide what you believe to be the 6-digit North American Industry Classification System (NAICS) code and the 4-digit Standard Industrial Classification (SIC) code that best represents the work you perform at your sites within the proposed DGA. OSHA will verify and ultimately will assign you a NAICS code for purposes of VPP.
2. Contact your Regional VPP Manager or Coordinator if you are having difficulty identifying an appropriate code. You can also find NAICS and SIC information on the Bureau of Labor Statistics' website, [www.bls.gov](http://www.bls.gov).

#### **H. Injury and Illness Performance**

See Appendix A Definitions for explanation of terms; Appendix B for instructions on calculating injury and illness rates; Appendix C for an alternative calculation for qualifying small employers; and Appendix D for VPP's policy on phasing in contractor rates.

1. Using information from your OSHA injury and illness logs (OSHA-300), complete and submit Table 1 in section V. below.
2. Provide your DGA's 3-year recordable nonfatal Total Case Incidence Rate (TCIR) for your combined workforce, that is, all employees, including regular hires, temporary employees, and contractor/subcontractor employees.

3. Provide your DGA's 3-year recordable nonfatal Days Away from Work, Restricted Activity, or Job Transfer (DART) incidence rate for your combined workforce.

### **I. Participation Plan**

Each applicant will develop a unique Participation Plan that includes a discussion of safety and health management system elements that differ in substance or emphasis from the basic VPP safety and health management system requirements. See Appendix G for an example of a Participation Plan.

## **II. Employee Support for VPP Participation**

**A. Your application for VPP participation must reflect the support of your employees.**

### **B. Unionized Workforce.**

If, at the time of application, a majority of your employees, including temporary employees and contractor/subcontractor employees, are represented by unions, you must provide to OSHA signed documentation that the unions either support VPP participation or are not opposed to participation. See Appendix E for more information about this requirement.

### **C. Non-union Sites**

At non-union sites, OSHA will verify employee support during onsite evaluations when the OSHA VPP team interviews employees.

## **III. Assurances**

VPP applications must include a signed statement affirming the following:

### **A. Compliance**

You will comply with the Occupational Safety and Health Act (OSH Act) and will correct in a timely manner all hazards discovered through self-inspections, employee notification, accident investigations, OSHA onsite reviews or enforcement inspections, process hazard reviews, annual evaluations, or any other means. You will provide effective interim protection as necessary to keep employees safe while

corrections are being made. Federal applicants also agree to comply with Title 29 of the Code of Federal Regulations (CFR), Part 1960—Basic Program Elements for Federal Employees.

**B. Correction of Deficiencies**

You will correct any work project/site deficiencies related to compliance with OSHA requirements and identified during any OSHA onsite review. The correction deadline will depend on the nature of the deficiency, will be determined by the OSHA VPP Team Leader, and in no instance will exceed 30 days.

**C. System Implementation and Oversight**

The systems and procedures of the VPP safety and health management system are in place and effectively maintained at all your work projects/sites, and management provides effective oversight to assure VPP-quality safety and health protection throughout the DGA.

**D. VPP Elements**

Following approval, you will continue to meet and maintain the requirements of the elements.

**E. VPP Orientation**

All employees, including newly hired employees, temporary employees, and contract/subcontractor employees, will have the VPP explained to them before they perform any work. This explanation will include employee rights under VPP and under the OSH Act or 29 CFR 1960.

**F. Protection from Discrimination**

You will protect employees engaged in safety and health activities, including those specifically given safety and health duties as part of your safety and health management system, from discriminatory actions resulting from their activities/duties, just as Section 11(c) of the OSH Act and 29 CFR 1960.46(a) protect employees who exercise their rights.

**G. Employee Access to Information**

Employees will have access to the results of self-inspections, accident investigations, and other safety and health management system data upon request. For a unionized

workforce, this requirement may be met through employee representative access to these results.

## **H. Documentation**

To enable OSHA to determine initial and continued VPP approval, you will maintain and make available for OSHA review the following information:

1. The written safety and health management system.
2. All documentation enumerated under Section VI.C.6.e-f of the January 9, 2009 Federal Register Notice.
3. Any agreements between management and authorized collective bargaining agent(s) concerning safety and health.
4. Any data necessary to evaluate the achievement of individual Merit or One-Year Conditional goals, if applicable.

## **I. Annual Submission**

Each year by February 15, you will submit to your designated OSHA VPP Contact the following information: Mobile Workforce Participants Injury and Illness Rates

1. Injury and Illness Rates. These rates will include all employees over whom the applicant has responsibility and authority for safety and health, including regular hires, plus temporary employees and contractor/subcontractor employees.
2. The DGA's total recordable case incidence rate (TCIR) for injuries and illnesses for the previous calendar year.
3. The DGA's incidence rate for cases involving days away from work, restricted work activity, and job transfer (DART rate) for the previous calendar year.
4. If you do not maintain rate information for your contractors/subcontractors, you may still apply using the phase-in policy. See Appendix D for more information on the phase-in policy if relevant to your application.
5. The total number of cases for each of the above two rates.
6. Total hours worked.
7. Estimated average employment for the past full calendar year.

8. Annual Self-Evaluation. A copy of the most recent annual self-evaluation of your safety and health management system, in the format and including the information specified by OSHA. Indicate any changes in the percentage of employees represented by unions that would have the effect of changing your union support requirement.

9. A description of any success stories, such as reductions in workers' compensation rates or increases in employee involvement.

#### **J. Organizational Changes**

Whenever a significant organizational or ownership change occurs, you will provide OSHA within 60 days a new Statement of Commitment signed by both management and, when applicable, any authorized collective bargaining agents.

#### **K. Collective Bargaining Unit Changes**

Because the percentage of employees represented by unions within the DGA may change, you will report to OSHA, as part of your annual self-evaluation, any change in this percentage that may have the effect of changing your union support requirement. Whenever a change occurs in the authorized collective bargaining unit representative, you will provide OSHA within 60 days a new signed statement indicating that the new representative supports VPP participation.

#### **L. OSHA Visit**

Whenever OSHA needs to visit a particular work project that you do not control, you will inform and gain written permission from the host/controlling employer for OSHA to enter. You understand that OSHA, prior to its visit, will give reasonable notice to the host/controlling employer.

#### **M. Project Lists**

1. You will provide OSHA by February 15 of each year a list including addresses of all active work projects/sites plus all work projects/sites scheduled or expected to commence within the next 12 months within the DGA.

2. The site list must identify sites where written permission has been obtained authorizing OSHA to send a VPP team to conduct an onsite evaluation.

3. At the time of application there must be at least one active site and one additional site scheduled within the DGA. These may be mobile work projects/sites, resident contract sites, or a combination of both.



#### **IV. VPP Safety and Health Management System**

Describe your written safety and health management system, including safety and health policies, procedures, systems, and programs. See Appendix A Definitions for an explanation of how the term safety and health management system is used in VPP.

Program descriptions must contain pertinent information that clearly explains the management and administration of the program, such as responsibilities and types of documentation maintained. Include those systems applicable to operations considered highly hazardous (e.g., Lockout/Tagout, Confined Space, Process Safety Management) and those considered non-routine.

**Please provide a list/index for any supporting documentation you choose to attach to the written description of the program.**

##### **A. Management Leadership and Employee Involvement**

###### 1. Commitment

Management must clearly demonstrate its commitment to meeting and maintaining the requirements of the VPP and taking ultimate responsibility for worker safety and health. Attach a copy of your top-level safety policy specific to your operations within the DGA.

###### 2. Organization

- a) Briefly describe how your company's safety and health function fits into your overall management organization.
- b) Attach a copy of your organization chart.

###### 3. Authority and Responsibility

- a) Describe what authority and responsibility you give managers, supervisors, and regular employees regarding safety and health and hazard mitigation
- b) Include authority and responsibility for safety and health at sites where employees work with little or no supervision.

###### 4. Accountability

a) Briefly describe your accountability system used to hold managers, line supervisors, and employees responsible for safety and health. Examples are job performance evaluations, disciplinary policies, and contract language.

b) Describe system documentation.

#### 5. Resources

a) Identify the available safety and health resources. Describe the safety and health professional staff available, including appropriate use of certified safety professionals (CSP), certified industrial hygienists (CIH), other licensed health care professionals, and other experts as needed, based on the risks at your work projects/sites.

b) Identify any external resources (including corporate office and private consultants) used to help with your safety and health management system.

#### 6. Goals and Planning

a) Identify your annual plans that set specific safety and health goals and objectives.

b) Describe how planning for safety and health fits into your overall management planning process.

#### 7. Self-Evaluation

a) Provide a copy of the most recent annual self-evaluation of your safety and health management system within the proposed DGA. Include assessments of the effectiveness of the VPP elements listed in these application guidelines, documentation of action items completed, and recommendations for improvement.

b) Describe how you prepare and use the self-evaluation.

#### 8. Employee Involvement

a) List at least three meaningful ways employees/subcontractors are involved in your safety and health management system. These must be in addition to employees/subcontractors reporting hazards and attending training.

b) Provide specific information about decision processes in which employees/subcontractors participate, for example, hazard assessment, inspections, safety and health training, and/or evaluation of the safety and health management system.

#### 9. Employee Notification

Describe how you notify employees about site participation in the VPP, their right to register a complaint with OSHA, and their right to obtain reports of inspections and accident investigations upon request. Methods may include new employee orientation, intranet or email if all employees have access, bulletin boards, toolbox talks, or group meetings.

#### 10. Contractor/Subcontractor Safety and Health

a) If applicable, describe the process used for selecting contractors/subcontractors to perform jobs at your work projects/sites.

**b)** Describe your documented oversight and management system for ensuring that all contract workers who do work for you within the DGA enjoy the same safe and healthful working conditions and the same quality protection as your regular employees.

#### 11. Site Maps

Attach any project/site maps you believe may be helpful to the application reviewer.

#### 12. Pre-screening and Oversight

Describe the process used at the corporate level to ensure and verify that projects/sites within the DGA are effectively implementing and maintaining your safety and health management system policies and procedures.

### **B. Worksite Analysis**

#### 1. Baseline Hazard Analysis

a) Describe the methods you use for baseline hazard analysis to identify hazards associated with your specific or typical work environments at projects/sites within the DGA. For example, air contaminants, noise, or lead.

- b) Identify the safety and health professionals involved in the baseline assessment and subsequent needed surveys.
- c) Explain any sampling rationale and strategies for industrial hygiene surveys if required.

2. Hazard Analysis of Routine Jobs, Tasks, and Processes

a) Describe the system you use (when, how, who) for examination and analysis of safety and health hazards associated with routine tasks, jobs, processes, and/or phases.

(1) You should base priorities for hazard analysis on historical evidence, perceived risks, complexity, and the frequency of jobs/tasks completed at your work projects/sites.

(2) In construction, the emphasis must be on special safety and health hazards of each craft and phase of work.

b) Provide specific examples of some analyses you have performed and any forms used.

3. Hazard Analysis of Significant Changes

Explain how, prior to activity or use, you analyze significant changes to identify uncontrolled safety and health hazards and the actions needed to eliminate or control these hazards. Significant changes may include non-routine tasks and new processes, materials, equipment, and work projects/sites.

4. Self-Inspections

a) Describe the safety and health routine general inspection procedures you use at your work projects/sites. Indicate how often you conduct self-inspections.

b) Indicate who performs inspections, and their level of hazard recognition training and safety and health competency

c) Describe how you track any hazards through to elimination or control.

d) For routine health inspections, summarize the testing and analysis procedures used and qualifications of personnel who conduct them.

e) Include some completed forms used for self-inspections.

5. Employee Reports of Hazards

a) Describe the different ways employees/subcontractors notify management of uncontrolled safety or health hazards. NOTE: An opportunity to use a written form to notify management about safety and health hazards must be part of your reporting system.

b) Explain procedures for follow up and tracking corrections and reporting back to employees.

c) If you do not always serve as the controlling employer, describe how you handle hazards affecting your employees/subcontractors that may be created by a controlling employer or other subcontractor at a work project/site.

6. Accident and Incident Investigations

a) Describe your written procedures for investigation of employee/subcontractor accidents, near misses, first-aid cases, and other incidents.

b) What training do investigators receive?

c) How do you determine which accidents or incidents warrant investigation?

d) Describe how you use investigation results.

7. Trend Analysis

a) Describe the system you use for safety and health data analysis.

b) Indicate how you collect and analyze data from all sources, including injuries, illnesses, near-misses, first-aid cases, work order forms, incident investigations, inspections, and self-audits.

c) Describe how you use analysis results.

**C. Hazard Prevention and Control**

Applicants and participants must be in compliance with any hazard control program required by an OSHA standard, such as PPE, Respiratory Protection, Lockout/Tagout,

Confined Space Entry, Process Safety Management (PSM), Bloodborne Pathogens, etc. VPP applicants and participants must periodically review these programs (most OSHA standards require an annual review) to ensure they are up-to-date.

Applicants and participants who are covered by the PSM standard must additionally submit answers to all applicable questions found in the VPP PSM Application Supplement A. (Other Supplements will be used during annual self-evaluations and OSHA onsite approval/reapproval visits. See PSM Supplements in Appendix A Definitions)

1. Hierarchy of Controls

a) Engineering Controls

**(1)** Describe and provide specific examples of engineering controls you have implemented that either eliminated or limited hazards by reducing their severity, their likelihood of occurrence, or both. Engineering controls include, for example, reduction in pressure or amount of hazardous material, substitution of less hazardous material, reduction of noise produced, fail-safe design, leak before burst, fault tolerance/redundancy, and ergonomic design changes.

**(2)** Although not as reliable as true engineering controls, this category also includes protective safety devices such as guards, barriers, interlocks, grounding and bonding systems, and pressure relief valves to keep pressure within a safe limit.

b) Administrative Controls

**(1)** Briefly describe the ways you limit daily exposure to hazards by adjusting work schedules or work tasks, for example, job rotation.

c) Work Practice Controls

**(1)** Describe and provide examples of your work practice controls. These include, for example, workplace rules, safe and healthful work practices, specific programs to address OSHA standards, and procedures for specific operations that require permits, labeling, and documentation.

**(2)** Identify major technical programs and regulations that pertain to your work projects/sites, such as lockout/tagout, process safety

management, hazard communication, machine guarding, and fall protection.

d) Personal Protective Equipment

Describe and provide examples of required personal protective equipment your employees/subcontractors use and what PPE the OSHA team members will need to bring to your work projects/sites.

2. Enforcement of Safety and Health Rules

Describe the procedures you use for disciplinary action or reorientation of managers, supervisors, and other employees/subcontractors who break or disregard safety and health rules.

3. Preventive/Predictive Maintenance

a) Summarize your written system for monitoring and maintaining workplace equipment to predict and prevent equipment breakdowns that may cause hazards.

b) Provide a brief summary of the type of equipment covered.

4. Occupational Health Care Program

a) Describe your onsite and offsite medical service and physician availability.

b) Explain how you utilize the services of licensed occupational health care professionals.

c) Indicate the coverage provided by employees trained in first aid, CPR, and other paramedical skills, their training, and available equipment.

5. Emergency Preparedness

a) Describe your employee/subcontractor emergency planning and preparedness system. Provide information on emergency drills and training, including evacuations. Describe how emergency procedures are communicated to all new employees, subcontractor employees, and visitors upon their initial arrival at a jobsite.

b) As applicable, address how you ensure VPP-quality emergency preparedness in light of the mobile nature of your workforce.

#### **D. Safety and Health Training**

1. Describe the formal and informal safety and health training provided for managers, supervisors, and employees/subcontractors.
2. Identify training protocols, schedules, and information provided to supervisors and employees/subcontractors on programs such as hazard communication, personal protective equipment, and handling of emergency situations.
3. Describe how you verify the effectiveness of the training you provide.

#### **V. Injury and Illness Performance**

See Appendix A for definitions of terms; Appendix B for instructions on calculating injury and illness rates; Appendix C for an alternative calculation for qualifying small employers; and Appendix D for VPP's policy on phasing in contractor rates.

##### **A. Mobile Workforce Injury and Illness Rate Requirements**

- 1.** To qualify for VPP Star, both your DGA 3-year Total Case Incidence Rate (TCIR) and your DGA 3-year Days Away, Restricted Activity, Job Transfer (DART) rate must be below at least 1 of the 3 most recent years of specific industry national averages for nonfatal injuries and illnesses at the most precise level published by the U.S. Department of Labor's Bureau of Labor Statistics (BLS).
- 2.** OSHA will compare all submitted rates against the most advantageous single year that would qualify the applicant out of the last 3 published years.
- 3.** If, after completing Table 1 (see V.B. below), you determine that either your 3-year TCIR, DART rate, or both are at or above your industry's average in all 3 comparison years, you still may qualify for VPP participation at the Merit level. If this is the case, specify your short- and long-term goals for reducing your rates to a level below the industry average, thereby achieving Star rate requirements. Include specific methods you will use to address this problem. It must be feasible to reduce rates sufficiently to meet Star rate requirements within 2 years.

##### **B. TABLE 1: Mobile Workforce Injury and Illness Rate Calculations for All Work Projects/Sites within the DGA**

- 1.** Table 1 tracks the "combined workforce injury and illness rates" of all employees over whom the applicant has responsibility and authority for safety



and health. These rates must be calculated from data that combine the applicant's regular workforce employees, temporary employees, and all contractor/subcontractor employees within the DGA.

**2.** OSHA considers the most recent 3-year recordable injury and illness experience for all work conducted within the DGA (including work conducted by contractors and subcontractors for the applicant) and compares the combined workforce experience with industry averages published by the Bureau of Labor Statistics.

**3.** Calculate the 3-year recordable Total Case Incidence Rate (TCIR) for your combined workforce within the DGA.

**4.** Calculate the 3-year recordable incidence rate for cases involving days away from work, restricted work activity, and job transfer (DART rate).

**5.** Alternative Rate Calculation. Some applicants, usually smaller employers with a limited number of employees/contractors/subcontractors and/or hours worked, may use an alternative method for calculating incidence rates. Review Appendix C for more information about the alternative rate calculation.

**6.** Phase-in of combined workforce injury and illness rate requirement. OSHA expects to receive a 3-year combined workforce TCIR and DART rate from each mobile workforce applicant. However, for a limited time period, a phase-in of this combined workforce rate requirement is available for applicants who do not maintain sufficient contractor/subcontractor data. Review Appendix D for more information about the phase-in policy if relevant to your application.

**TABLE 1: Mobile Workforce Applicant/Participant Recordable Nonfatal Injury and Illness Case Incidence Rates for All Work within the Designated Geographic Area (DGA)**

	A	B	C	D	E	F	G	H	I
Year	Total Work Hours	Total Number of Injuries	Total Number of Illnesses	Sum of Injuries and Illnesses	TCIR for Injuries and Illnesses	Total # of Injuries Involving DART	Total # of Illnesses Involving DART	Sum of Injury & Illness Cases Involving DART	DART Rate
3 Years Ago (annual)									
2 Years Ago (annual)									
Last Year (annual)									
3 Year Totals & Rates									
BLS Rates for NAICS code _____									
Year 1 (3 years ago)									
Year 2 (2 years ago)									
Year 3 (last year)									
Percent above or below BLS year _____ National Average (compare both your 3-year rates with the single most advantageous year)									

## Appendix A: Definitions

**The following definitions apply to use of these terms within OSHA's Voluntary Protection Programs (VPP).**

1-Year Conditional Goal. A target for correcting deficiencies in safety and health management system elements or sub-elements identified by OSHA during the onsite evaluation of a Star participant. Such deficiencies, which indicate that a site no longer fully meets Star requirements, must be corrected within 90 days, and the participant must then operate at the Star level for 1 year for the participant's conditional status to be lifted. Failure to meet this requirement will result in termination from VPP.

2-Year Rate Reduction Plan. A strategy employed whenever a Star participant's 3-year rates rise above the national average and call into question the participant's continuing VPP qualification. The plan is developed jointly by the participant and OSHA and must be approved by the Regional Administrator. It must identify and address any safety and health management system deficiencies related to the high rates, correction methods, and timeframes, and must include quarterly participant progress reports.

90-Day Items. Compliance-related issues that must be corrected within a maximum of 90 days, with effective protection provided to employees in the interim.

Annual Self-Evaluation. A participant's yearly self-assessment to gauge the effectiveness of all required VPP elements and any other elements of the participant's safety and health management system.

### Annual Submission.

1. A document written by a participant and submitted to OSHA by February 15<sup>th</sup> each year, consisting of the following information: Updated names and addresses; the participant'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 self-evaluation of the participant'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); any success stories; and any other information required by OSHA.
2. In addition, participants covered by the Process Safety Management Standard (PSM) are required to respond to applicable questions from the annual VPP PSM questionnaire.
3. In addition, participants who have been approved within a Designated Geographic Area (DGA) must submit a list, including addresses, of all active worksites plus a second list of any work projects scheduled or projected to begin during the upcoming year.

Applicable Contractor. An employer who has contracted with a General Industry, Maritime, or Federal Agency (non-construction) site-based applicant/participant to provide specified services and whose employees:

1. Worked at least 1,000 hours at the VPP site-based applicant/participant's worksite in any calendar quarter within the last 12 months.
2. Are not directly supervised in day-to-day activities by applicant/participant's management.

The concept of applicable contractor does not include temporary employees or other contractor employees who are regularly intermingled with a site-based applicant/participant's employees and under direct supervision by management. Moreover, **construction applicants/participants do not break out this category of employee.** Therefore, applicable contractor reporting requirements do not apply to applicants/participants whose main activity is construction, regardless of the chosen way to participate.

Accepted Application. An application that has been reviewed by the Regional Office -- or the National Office for certain corporate and Demonstration Program applications -- and found to be complete. Also referred to as a completed application.

Backup Team Leader. A member of an onsite evaluation team who provides assistance to the team leader and can assume his/her duties when necessary.

Combined Workforce. An applicant/participant's regular workforce employees, including temporary employees, plus all contractor/subcontractor employees. Mobile workforce applicants/participants and all construction applicants/participants must use combined workforce data when calculating and reporting injury and illness rates.

Compliance Officer. A Federal compliance safety and health officer (CSHO).

Compressed Approved Process. A VPP onsite evaluation procedure that OSHA may choose to employ for site-based Star participants seeking reapproval and meeting specified criteria. A CAP evaluation examines all the VPP elements assessed during a standard onsite evaluation but places particular attention on changes since the last evaluation and the most recent annual self-evaluation.

Contract Employees. Those individuals who are employed by a company that provides services under contract to the VPP applicant/participant, usually at the VPP applicant/participant's worksite.

Corporate Participation. See Way to Participate, below. A category of participation available to large corporations that provides streamlined application and approval procedures. To qualify, the corporation must (1) commit to bringing into VPP multiple site-based facilities and/or worksites within Designated Geographic Areas (DGAs); (2) utilize a standardized safety and health management system organization-wide; and (3) employ pre-screening processes at all applicant facilities/DGAs before applying for VPP approval and ongoing oversight once approved.

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 an individual worksite, all worksites within an applicant/participant's Designated Geographic Area (DGA), or all worksites of an employer for a specified period of time (usually 1 or 3 years).

Directorate of Cooperative and State Programs (DCSP). The OSHA Directorate responsible for coordinating and overseeing OSHA's VPP and other cooperative programs, located in OSHA's National Office.

DCSP Regional Coordinator. A DCSP VPP staff member who is assigned to coordinate VPP-related regional activities, including the review and processing of reports and resolution of policy issues.

Demonstration Program. The program within VPP that enables employers with VPP-quality safety and health protection to test alternatives to current VPP eligibility and performance requirements. If a Demonstration Program is judged successful, its alternative ways to achieve safety and health excellence may lead to changes in VPP criteria.

Federal Register. The official Federal government publication, issued 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 or the Federal Register Notice.

General Contractor. A construction site owner or site manager who controls construction operations and has contractual responsibility for assuring safe and healthful working conditions at a worksite.

Injury/Illness Rates. Numerical rates that:

1. Represent an applicant/participant's nonfatal recordable injuries and illnesses at an individual worksite or within a Designated Geographic Area.
2. Are an important factor when OSHA assesses an applicant/participant's qualification for VPP.

Mentoring. The assistance that a VPP participant provides to another employer to prepare that employer for VPP application and/or to improve that employer's safety and health management system.

Merit Goal. A target for improving one or more deficient safety and health management system elements for a participant approved to the Merit program. A Merit goal must be met in order for a participant to achieve Star status.

Merit Program. The program within VPP designed for employers that have demonstrated the potential and commitment to achieve Star quality, but that need to further improve their safety and health management system and/or injury and illness performance. OSHA gives a Merit Program participant specified Merit goals that it must meet in order to achieve Star status and continue within VPP.

Mobile Workforce Participation. See Way to Participate, below. A category of participation available to employers whose work is characterized by short-term operations and employees who move physically from one work project to another; or resident contractor operations performed at two or more fixed worksites. Distinguishing features of mobile workforce participation include a Participation Plan unique to the applicant/participant and a Designated Geographic Area (DGA).

Onsite Assistance Visit. A visit to an applicant/participant by an OSHA VPP Manager, Compliance Assistance Specialist, or other non-enforcement personnel, to offer assistance including, for example, help with the VPP application, a records review, and/or general observations about the employer's safety and health management system.

Onsite Evaluation. A visit to an applicant/participant worksite or headquarters by an OSHA onsite evaluation team to determine whether the applicant/participant qualifies for initial approval, continued participation, or advancement within VPP.

Onsite Evaluation Report. A document written by the OSHA onsite evaluation team and consisting of the site report and site worksheet. This document contains the team's assessment of an applicant/participant's safety and health management system and its implementation, a review of injury and illness rates, and the team's recommendation regarding approval of the applicant or reapproval of the participant to VPP.

Onsite Evaluation Team. An interdisciplinary group of OSHA professionals and sometimes other government employees who conduct onsite evaluations. The team normally consists of a team leader, a backup team leader, safety and health specialists, and other specialists as appropriate.

Outreach. Assistance and information a VPP participant provides to prospective VPP applicants, other employers, employer and employee organizations, and the general public, for the purpose of promoting safety and health principles and practices and VPP. Outreach activities include, but are not limited to:

1. Conducting VPP workshops at conferences.
2. Conducting safety and health training workshops.
3. Holding community safety days.
4. Serving as an advocate for VPP within the business community.
5. Participation in OSHA Strategic Partnerships, OSHA Challenge, and Alliances.
6. Making presentations on safety and health topics at conferences and other venues.

Participation Plan. A unique, written strategy submitted to OSHA by a mobile workforce applicant as part of its VPP application. A participation plan:

1. Explains how the applicant's safety and health management system protects employees who move from one worksite/project to another.

2. May include a discussion of safety and health management system elements that differ in substance or emphasis from the basic VPP system requirements.
3. Must include a proposed Designated Geographic Area (DGA) for VPP participation.

A Sample Participation Plan is included in the Mobile Workforce Application Instructions.

Pre-screening. An internal process, applicable to the mobile workforce and corporate ways to participate, to ensure and verify that sites/DGAs:

1. Are effectively implementing the applicant/participant's safety and health management system policies and procedures.
2. Meet all applicable VPP requirements, including, following approval, the requirement to continuously improve. For the corporate way to participate, applicant sites are expected to meet VPP Star requirements.
3. For the corporate way to participate, that sites/DGAs have completed the VPP application before submitting it to OSHA

Often used in conjunction with the term "oversight," as in "pre-screening and oversight," to indicate the continuing need, following VPP approval, for corporate/DGA monitoring of participating sites to ensure they maintain and improve their safety and health management systems.

Process Hazard Analysis (PHA). For the purpose of VPP, a PHA is an organized and systemic effort to identify and analyze the significance of potential hazards associated with the processing or handling of highly hazardous chemicals.

Process Safety Management (PSM). A reference to OSHA standard 29 CFR 1910.119 and 1926.64, which covers all employers who either use or produce highly hazardous chemicals exceeding specified limits.

PSM Level 1 Auditor.

1. An OSHA employee with experience in the chemical processing or refining industries. A PSM Level 1 Auditor is responsible for evaluating employer PSM operations during OSHA VPP visits (or inspecting PSM operations during OSHA enforcement inspections).
2. Specific requirements for a PSM Level 1 Auditor include:
  - a. OSHA Training Institute (OTI) Course 3300, Safety and Health in the Chemical Processing Industries.
  - b. OTI Course 3400, Hazard Analysis in the Chemical Processing Industries.
  - c. Advanced training such as OTI Course 3410, Advanced Process Safety Management, or other equivalent specialized seminars in PSM.

- d. Prior experience with chemical industry safety. This should include experience obtained in any one of the following ways:
  - Through accident investigations in chemical, petrochemical, or refinery plants involving fires, explosions, and/or toxic chemical releases;
  - Through previous chemical inspections involving process safety management evaluations; or
  - Through previous chemical industry employment.
3. Special Government Employees may alternatively serve in the capacity of a PSM Level 1 Auditor upon demonstrating training and experience equivalent to the above requirements.

#### PSM Supplements.

1. *PSM Supplement A.* Also known as the PSM Application Supplement or the static list. A series of questions designed to establish a basic understanding of a VPP applicant's PSM policies and procedures. Applicants covered by the PSM Standard must submit responses to all questions on the PSM Application Supplement when they submit their written VPP application.
2. *PSM Supplement B.* Also known as the PSM Annual Questionnaire. A document compiled annually by OSHA that uses selected questions from OSHA's Dynamic Inspection Priority Lists, also known as the dynamic question lists. The selected questions change from year to year. The PSM Questionnaire must be completed and submitted each year by VPP participants covered under the PSM standard as part of their annual submission to OSHA.
3. *PSM Supplement C.* Also known as the PSM Onsite Evaluation Questionnaire. Questions selected by the VPP Onsite Evaluation Team Leader and PSM Level 1 or equivalent team members from OSHA's dormant PSM Inspection Priority Lists, also known as the dynamic question lists. The questions are selected just prior to commencing a VPP onsite evaluation and presented to the VPP applicant/participant during the evaluation. Normally, each applicant/participant covered by the PSM standard will receive a different set of questions at the time of the preapproval onsite evaluation and then during each subsequent onsite reevaluation.

Recommendations. Suggested improvements noted by the onsite evaluation team that are not requirements for VPP participation but that would enhance the effectiveness of the applicant/participant's safety and health management system. (Compliance with OSHA standards is a requirement, not a recommendation.)

Resident Contractor. For the purpose of VPP, resident contractor refers to a company that:

1. Provides ongoing, long term onsite services to a host employer.
2. Normally will occupy a recognizable, delineated work area within the host employer's site.



Safety and Health Management System. For the purposes of VPP, a method of preventing employee 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.

Site-Based Participation. See Way to Participate, below. A category of VPP participation characterized by fixed, ongoing or long-term work operations at a single facility. It is available to employers of private-sector fixed worksites in general industry and the maritime industry; Federal-sector fixed worksites; and certain long-term construction worksites. These employers must control site operations and have ultimate responsibility for assuring safe and healthful working conditions. Site-based participation also is available to resident contractors at site-based VPP participants; and to resident contractors who are part of a larger organization approved under the corporate way to participate and who operate at a non-participating fixed worksite.

Small Business. A company having no more than 250 employees at any one facility, and no more than 500 employees nationwide.

Special Government Employee (SGE). An employee volunteer from a VPP participant or corporation who is knowledgeable in safety and health management system assessment, formally trained by OSHA in the policies and procedures of the VPP, and determined by OSHA to be qualified to perform VPP onsite evaluations. An SGE may participate as a team member on VPP onsite evaluations. The OSHA directive governing the VPP Special Government Employee Program is CSP 03-01-001, Policies and Procedures Manual for Special Government Employee (SGE) activity conducted under the auspices of the Occupational Safety and Health Administration's (OSHA) Voluntary Protection Program, Jan. 4, 2002.

Star Program. The program within VPP designed for participants 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.

State Plan. A state-operated occupational safety and health program that has received approval and partial funding from Federal OSHA. The states that operate approved State Plans are commonly referred to as State Plan states.

Team Leader. The OSHA staff person who coordinates the OSHA onsite evaluation team and ensures the performance of all evaluation activities.

Temporary Employees. Employees hired on a non-permanent basis by the applicant/participant. Temporary employees are grouped with regular hires for purposes of calculating employer injury and illness rates.

Termination. OSHA's formal removal of a VPP participant from the program. Alternatively, the act of ending a Demonstration Program.

Total Case Incidence Rate (TCIR). A number that represents the total nonfatal recordable injuries and illnesses per 100 full-time employees. This rate is calculated for an individual worksite, all worksites within an applicant/participant's Designated Geographic Area (DGA), or all worksites of an employer for a specified period of time (usually 1 or 3 years).

VPP Activity Log. The monthly log of VPP activity that is submitted to DCSP by the Regional Offices.

VPP Annual Data Spreadsheet. The yearly report prepared by the Regional VPP Manager and submitted electronically to DCSP that provides information on the annual TCIR and DART rates of participants.

VPP Application Status Report. A monthly report prepared by the Regional VPP Manager and submitted to DCSP that provides information on VPP applications, including the number of applications pending in the Region and the number of applicants whose onsite evaluation has not yet begun.

VPP Approval Ceremony. An event planned by the approved participant and normally held at the participant's approved work location or headquarters, where a representative from OSHA recognizes the participant's achievement and, for initial program approvals, presents the VPP plaque and VPP flag.

VPP Automated Data System (VADS). A database that includes information on approved VPP participants (under Federal or State Plan jurisdiction) and VPP applicants (under Federal jurisdiction).

VPP Manager. The OSHA employee directly responsible for the day-to-day operations of the VPP in a particular OSHA Region.

VPP Participant Representative. The applicant/participant employee designated as the primary contact with OSHA for matters concerning VPP.

Way to Participate. One of three primary ways an employer may seek VPP approval. These are: site-based, mobile workforce, and corporate. The principles and features of VPP-quality safety and health management systems are generally consistent for all three ways to participate. There are some differences, however, in the VPP requirements for system details and implementation and the manner in which OSHA evaluates applicants/participants.

Withdrawal. Decision by an applicant/participant to discontinue its VPP application process or its approved participation.

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

## Appendix B: Injury and Illness Rate Calculations and Table Instructions

Follow these steps to complete Table 1 above. . Submit Table 1 with your application.

**VI.** Estimate total hours worked annually by all of your employees for each of the last 3 years within the DGA. Applicants may follow the phase-in guidelines. See the example table in Appendix D. Include temporary and contract/subcontractor employees for whom you provide oversight. Include all overtime hours and management staff's hours. Enter in the appropriate places in Column A. Enter the 3-year total at the bottom of Column A.

VII. Enter the total number of recordable nonfatal injuries for each of the last 3 years in Column B. Enter the 3-year total.

VIII. Enter the total number of recordable nonfatal illnesses for each of the last 3 years in Column C. Enter the 3-year total.

IX. For each of the past 3 years, combine the injuries and illnesses and enter in Column D. Combine the injury and illness 3-year totals and enter.

X. Calculate your DGA Total Case Incidence Rate (TCIR) for each of the past 3 years and for the 3 years combined. Enter in Column E.

**A.** To calculate your TCIR, use the formula  $(N/EH) \times 200,000$  where

N = Sum of the number of recordable non-fatal injuries plus illnesses in a given time frame (either 1 year for an annual rate or 3 years for 3-year combined rate).

EH = Total number of hours worked by all employees in a given time frame (either 1 year for an annual rate or 3 years for a 3-year combined rate).

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

**B.** For example, to calculate your 3-year combined TCIR:

$$\text{3-Year TCIR} = [(\#inj + \#ill) + (\#inj + \#ill) + (\#inj + \#ill)] \div [\text{Hours} + \text{Hours} + \text{Hours}] \times 200,000$$

6. Repeat steps 2 to 4, except substitute injuries and illnesses that resulted in days away from work, restricted work activity, and/or job transfer. Enter in Columns F, G, and H.

7. Calculate your DGA incidence rate for days away from work, restricted work activity, and/or job transfer (the DART rate) for each of the past 3 years and for the 3 years combined. Enter in Column I.

To calculate your DART rate, use the same formula as in 5 above, except  $N = \text{Sum of the number of all recordable injuries plus illnesses resulting in days away from work, restricted work activity, and/or job transfer in a given time frame.}$

8. Compare your DGA 3-year rates with your industry's average rates for the 3 calendar years published most recently by the Bureau of Labor Statistics (BLS). (The BLS publishes rates by NAICS code each year in its Occupational Injuries and Illnesses Bulletin and at its website, [www.bls.gov](http://www.bls.gov).) To qualify for VPP Star, both of your DGA 3-year rates must be below the same 1 year of the 3 most recent published years of specific industry national averages for nonfatal injuries and illnesses, at the most precise level available.
9. If, after completing Table 1, you determine that your DGA 3-year TCIR, DART rate, or both are at or above your industry's average for the 3 years published most recently, you still may qualify for VPP participation at the Merit level. If this is the case, specify your short- and long-term goals for reducing your rates. Within 2 years, both of your rates must meet Star requirements; that is, at a minimum, both rates must be below the industry average for the same 1 year of the 3 years published most recently. It must be feasible to reduce your rates to Star level within 2 years. Include specific strategies and actions you intend to take to reduce your rates.

## **Appendix C: Alternative Rate Calculations for Qualifying Small Employers**

Some applicants, usually small companies with limited numbers of employees/contractors/subcontractors and/or hours worked, may use an alternative method for calculating their 3-year incidence rates. The alternative method allows the employer to use the best 3 out of the most recent 4 years' injury and illness experience. To determine whether you qualify for the alternative rate calculation method, do the following:

**XI.** Using your company's actual employment statistics, determine hours worked during the most recent calendar year by your regular employees/temporary employees/contractors/subcontractors.

**XII.** Then calculate a hypothetical TCIR assuming two recordable cases during the year.

**XIII.** Compare this hypothetical rate to the 3 most recently published years of BLS combined injury/illness total recordable case incidence rates for your industry. If the hypothetical rate (based on two cases) is equal to or higher than the national average for your industry in at least 1 of the 3 years, you qualify for the alternative calculation method. You may use the best 3 of the last 4 calendar years of employee injury/illness experience when calculating both the 3-year TCIR and the 3-year DART rate.

**XIV.** If you qualify for the alternative rate calculation and the temporary phase-in of contractor data (see Appendix D), you still must submit at least 1 year of combined workforce data. At least 1 of the best 3 years that you submit must include both regular employees (including temporary employees) plus any contractor/subcontractor employees.

## **Appendix D: Temporary Phase-In of Mobile Workforce Injury and Illness Rate Requirements**

OSHA expects to receive a 3-year combined workforce rate from each applicant. However, if you do not maintain rate information for your contractors/subcontractors, you may still apply using the following temporary phase-in policy:

**XV.** For the year 2010, for new applicants and also for participants who applied and were approved in 2009 using the phase-in rate requirement, OSHA expects to receive:

**A.** Combined workforce TCIR and DART rates that reflect the experience of the company's regular workforce (including temporary employees) and contractors/subcontractors for calendar years 2008 and 2009, plus

**B.** Company-only TCIR and DART rates (which include temporary employees) for calendar year 2007.

**XVI.** Beginning January 1, 2011, all applicants and participants must provide to OSHA combined workforce TCIR and DART rates for the 3 most recent calendar years in the DGA. The data for each of these 3 calendar years must reflect the experience of the company's regular workforce (which includes temporary employees) combined with its contractors/subcontractors at projects DGA-wide.

**Appendix E: Union Support for Participation**

OSHA expects each applicant to determine whether the requirement for union support applies. Calculate the percentage of your employees (including temporary employees) and contractor/subcontractor employees throughout the proposed DGA who are represented by unions at the time of your application. Then use the chart below.

<b>Mobile Workforce – Union Support for VPP Participation</b>	
<b>IF</b>	<b>THEN</b>
Majority of employees are represented by unions	Signed statement(s) required. Must be obtained from enough unions to represent a majority of employees.
Some employees but less than a majority are represented by unions	No statement of union support required.
No employees are represented by unions	Requirement not applicable.

When, at the time of application, a majority of an applicant’s employees and contractor/subcontractor employees are represented by unions, the applicant must provide to OSHA written documentation of either union support for VPP participation or union non-opposition to participation.

The percentage of employees represented by unions may change. Therefore, an approved participant must report to OSHA, as part of its annual evaluation, any change in this percentage that would have the effect of changing the participant’s union support requirement.

**Appendix F: Example of the Phase-in Policy for a Mobile Workforce Employer Who Applies to VPP in 2010**

An applicant is a framing contractor (specialty trade contractor) who works within the DGA in the capacity of subcontractor. The applicant worked on numerous projects over the past 3 years (2007 through 2009).

For some of these jobs the applicant used only employees regularly employed and paid directly by the company. At other jobs it used company employees and also contracted with other carpenter contractors (tiered subcontractors) who performed tasks directed by the applicant.

Under the terms of the mobile workforce phase-in policy, for projects worked during 2008 and 2009, the applicant must submit combined workforce estimated rates that combine the hours and recordable injuries and illnesses of regular employees plus subcontractor employees in the DGA.

For the projects worked during 2007, the applicant did not maintain sufficient contractor/subcontractor injury and illness data required by VPP. Therefore, the phase-in policy allows the applicant to submit only the rates that reflect the experience of its regular employees, including temporary employees (highlighted in Sample Table below) in the DGA. (However, if the applicant had maintained sufficient contractor/subcontractor data for 2007, he would have been required to submit combined workforce data for all 3 years.)



**SAMPLE TABLE for a 2010 VPP Mobile Workforce Applicant Using the Phase-In Policy for Reporting Injuries and Illnesses**

Year	Hours	Total # of Cases	TCIR	# of Cases Involving Days Away from Work, Restricted Activity or Job Transfer	DART Rate
2007	114,173	5	8.7	0	0
2008	115,000	3	5.2	2	3.4
2009	130,238	5	7.7	4	6.1
Total	359,411	13		6	
3-Year Rates (2007-2009)			7.2		3.3
BLS National Average for 2007 (NAICS: 238130)			8.1		4.8

The applicant achieves VPP approval during 2010. The phase-in policy expires in January 2011. Therefore, for the annual submission to OSHA due by February 15, 2011, the participant will be required to accurately report 3 years of injury and illness data and rates (2008 through 2010) for its combined workforce of regular employees and contractor/subcontractor employees.

**Appendix G: Sample Applicant Participation Plan**

**PARTICIPANT PLAN for XYZ BUILDING CONSTRUCTION, INC.**

**XYZ Building Construction, Inc. is very pleased to have this opportunity to apply for participation in OSHA's Voluntary Protection Programs under the Mobile Workforce way to participate. In the following pages we provide a snapshot of our company. We have attempted to highlight aspects of our operation that differ – in substance or emphasis -- from the basic requirements of the VPP safety and health management system as we understand it. We also discuss features of our safety and health efforts that we think are particularly important because of the substantial hazards our employees encounter at construction sites.**

### **Designated Geographic Area (DGA)**

**We are applying for participation at the division level. We understand that our designated geographic area (DGA) can be a single OSHA Area Office, multiple OSHA Area Offices within a Region, an entire State, or an entire Region. While XYZ operates primarily within Region V, we prefer to limit our initial participation. Therefore, we request that our DGA be two Area Offices, the Milwaukee and Madison areas. XYZ Building Construction anticipates petitioning Region V's Regional Administrator at a future time to expand our DGA beyond the two Area Office boundaries initially requested.**

### **Unique Aspects of XYZ's Mobile Workforce Safety and Health Management System**

***Subcontractor Oversight.* XYZ generally operates as a general contractor, and we utilize many subcontractors on our projects. As such, XYZ's role in the pre-bidding and pre-construction phase is more important than in a work environment where most employees are regular hires and not temporary or subcontracted employees. In addition, the company's role in overseeing the safety of subcontractors -- and also the safety of our own employees working alongside subcontractors -- is more critical than in a setting where few or no subcontractors may be used. Therefore, we expect the OSHA team's VPP review will place special emphasis on how XYZ emphasizes safety in the planning phase of each project. Additionally, we expect the team will place special emphasis on XYZ's hazard analysis prior to initiating construction jobs and subsequent phases of these projects. We anticipate a review that will carefully examine our subcontractor pre selection process; safety performance criteria; and role in monitoring and tracking hazards, injuries, and illnesses to ensure that subcontractors are working safely at the worksites and following our required procedures.**

***Hazard Recognition and Control as a Non-controlling Employer.* We also work as a subcontractor at some large sites and must have policies and implemented procedures to ensure the safety of our employees in those situations where we do not control the site. Where XYZ performs work as a subcontractor, it sometimes discovers hazards created by others not under XYZ's control. Therefore, we expect the OSHA team will focus on how**

well trained our unsupervised employees are in hazard recognition and company policies and procedures that ensure interim protections under such circumstances. These policies and procedures include *XYZ's policy that employees have a right to refuse work if they observe serious hazards and, if necessary to ensure their protection, have a right to leave the worksite.* A communication procedure also is in place to notify the appropriate company officials of any uncontrolled hazards that our employees discover, regardless of who controls the project or who created the hazard.

Whether XYZ employees are working at a site controlled by XYZ or controlled by another employer, we require them to conduct daily inspections of their workplace/area and of equipment to be used that day. We expect that this, too, the OSHA team will assess.

*Employee Involvement.* XYZ and OSHA acknowledge that there may be some differences in the way a mobile workforce implements strong employee participation in safety and health. XYZ's emphasis will be to build strong labor-management communication in the form of supervisor and employee participation in toolbox meetings and training, safety audits, and incident investigations. XYZ agrees to operate an effective safety and health orientation program for all employees including new hires and subcontractor employees when necessary.

*Baseline Hazard Analysis.* XYZ and OSHA acknowledge the need for an alternative method for the VPP requirement of industrial hygiene and safety baseline surveys, that is, baseline hazard analysis to identify hazards associated with specific work environments. In our typical work environments, these hazards may include air contaminants, noise, and lead. XYZ's employees work in environments where conditions change from phase-to-phase of a project and from one job to the next. Construction work conditions are very different from the relatively static work environment of manufacturing settings. Therefore, we will be employing alternative, more appropriate methods for analyzing hazards associated with each project. These will include preconstruction environmental studies, phase analyses, and task analyses (JSAs).

XYZ anticipates employing subcontractors for jobs that may require specialized expertise and equipment, for example, lead removal, asbestos removal, etc. In these projects, XYZ's role will be to screen, monitor, and review the subcontractors' work. XYZ has established historical databases with baseline information for common environment, equipment, materials, and practices. This baseline information enables XYZ to implement hazard controls as necessary. If the operations, equipment, or materials used on a job vary significantly from one of our databases of historical information, we agree to conduct a new hazard analysis prior to beginning that task to ensure that appropriate hazard controls are in place and that any required sampling or monitoring is performed.

***Emergency Response.*** Because of the frequent change in construction personnel and ever-changing site logistics, XYZ will place strong emphasis on employee site orientation and training for emergency response and evacuation. In addition, XYZ will endeavor to hold annual emergency response evacuation drills at all sites. Normally, XYZ will try to maintain a muster point, but this may change as conditions warrant. On small sites, our method of notification utilizes the buddy system, that is, simple verbal communication as a means to evacuate. The senior person on the worksite normally will be responsible for a head count. This person also will be responsible for submitting a completed drill evaluation form to the safety committee. On larger sites, supervisors carry small disposable air horns, and we instruct them to issue three small blasts several times, when feasible, as the signal to evacuate. Subcontractors are required to participate in all XYZ evacuations. Site personnel complete and share with the safety committee an evaluation form following all drills and any true emergency evacuations.

When XYZ employees work as subcontractors, they often must follow the emergency response and evacuation procedures of the host employer. XYZ agrees to maintain communication with the host employer in all matters relating to safety and health, including emergency response. XYZ will ensure that its employees are kept informed of any host employer procedures that differ from XYZ's own procedures.