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# United States Senate

WASHINGTON, DC 20510-5004

MICHAEL ENZI  
WYOMING

COMMITTEES:  
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Finance  
Small Business  
Budget

December 18, 2009

The Honorable David Michaels  
Assistant Secretary of Labor  
Occupational Safety and Health Administration  
U.S. Department of Labor  
200 Constitution Avenue, NW  
Washington DC 20210

Dear Assistant Secretary Michaels:

Congratulations on your confirmation as Assistant Secretary of Labor for the Occupational Safety and Health Administration. As you are well aware, the mission of your agency is an enormously important one that touches on the daily lives and safety of nearly every working person in America.

Personal experience with workplace safety has shown us the importance of innovative thinking, continuous improvement and the need to create a true partnership between employees and employers to create an effective culture of safety. No program has been more successful in creating such a culture of safety than the Voluntary Protection Program (VPP). Since VPP was created in 1982, Republican and Democrat administrations alike have fostered its growth to now 2,284 worksites, a quarter of which are unionized, and covering more than 921,000 employees. Worksites that pass the rigorous evaluation process have an average illness and injury rates at more than 50% below their industry.

In recent years, smaller worksites have made significant strides within VPP, increasing from 28 percent of VPP sites in 2003 to 39 percent in 2008, thanks to innovations such as mentoring and the Safety and Health Achievement Recognition (SHARP) program. These innovations aren't just keeping employees safer; they are also saving companies and taxpayers money. In 2007, Federal Agency VPP participants saved the government more than \$59 million by avoiding injuries and private sector VPP participants saved more than \$300 million. Additionally, when workplaces make the significant commitment to safety required by VPP, it allows OSHA to focus its resources where they are most needed.

We are aware of your own personal experience and past support for compliance assistance programs. As you have stated, when you were Assistant Secretary for Environment, Safety and Health at the Department of Energy from 1998 to 2001, you were responsible for VPP programs and recognized their great value.

Recently, the Acting Assistant Secretary of OSHA informed the VPP Participants Association that OSHA will cut the number of new worksites evaluated from 172 in 2009

to 80 in 2010, in spite of a budget increase and plans to hire hundreds of new inspectors. Furthermore, we have learned that the Acting Assistant Secretary has eliminated any "performance goals" for District Managers in evaluating new VPP sites.

We are very disappointed by these actions. Programs such as VPP and small business compliance assistance are not at odds with the full enforcement of the OSH Act. This is not a zero sum situation in which the latter can be achieved only by sacrificing the former. The agency must focus on the goal it seeks to achieve: safer workplaces for all workers. Programs like VPP and small business compliance assistance have a demonstrable record of achieving that end. Furthermore, at a time when our nation's economic recovery is depending on the job-creating driver of small businesses, OSHA should be helping, not targeting, them.

We urge you to preserve VPP's great safety achievements by stopping ongoing efforts at OSHA to downsize this program. In response to Questions for the Record from Ranking Member, Senator Enzi, and Senator Coburn during your Senate confirmation proceedings, you made a commitment to reevaluate the decision to reduce new VPP site evaluations and stated that you "recognize that to succeed, VPP must be supported with adequate resources, and, if confirmed, I will do my best to ensure this support." Now that you are confirmed in office, we urge that you complete that process as soon as possible and reverse the actions of the Acting Assistant Secretary of OSHA to downsize VPP and small business compliance assistance.

When you have a program such as VPP which has been proven successful at keeping employees safer, requires few agency resources and allows OSHA to better focus its limited resources, cutting it back in a time of budget increase defies common sense. Once you have completed your re-evaluation, please inform us of your decision and the reason for it.

We look forward to working with you in your new office and wish you all the best.

Sincerely,



Senator Michael B. Enzi  
Ranking Member



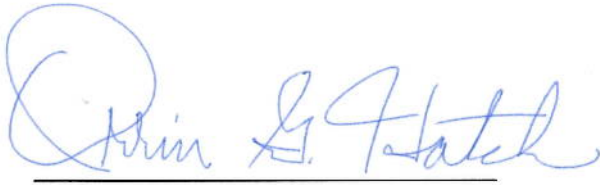
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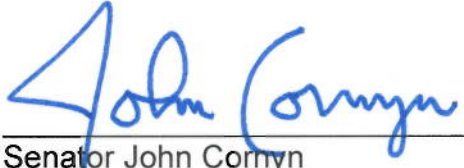
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