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Obama budget would cut OSHA's VPP Program

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For many years the U.S. Occupational Safety and Health Administration has had in place the Voluntary Protection Program (VPP) as its top cooperative program with over 2,200 workplaces currently participating. VPP worksites' injury and illness rates are more than 50 percent below the average for their industries.

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In a VPP, employer, employees, and OSHA establish cooperative relationships at workplaces that have implemented comprehensive safety and health management systems. Approval as a VPP workplace has been difficult to achieve, but nonetheless is OSHA's official recognition of the outstanding efforts of employers and employees who have achieved an exemplary occupational safety and health program for their workplace.

President Obama's recently proposed budget for the U.S. Department of Labor eliminated funding for VPP. According to an April 27, 2010, press release issued by U.S. Senator Mike Enzi (R-Wyoming), the ranking member of the Senate's Health, Education, Labor and Pensions Committee, bipartisan legislation has been introduced to restore funding for the program. The bill is co-sponsored by Sen. Mary Landrieu (D-Louisiana).

According to Senator Enzi: "No program has been more successful in creating such a culture of safety in the workplace than the VPP. Since it was created in 1982, Republican and Democrat administrations alike have fostered its growth. It now includes 2,284 worksites, a quarter of which are unionized, covering almost a million employees...." ▲

OSHA proposes crane standard

By George J. Miller
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In an article published in the Kentucky Labor Cabinet's "Labor Works" newsletter of April

2010, the Cabinet discusses OSHA's proposed "Cranes in Construction" rule. The newsletter is accessible on line at <http://www.labor.ky.gov/newsletter/>.

The Cabinet reports that it has not been provided with a date of publication for the final rule but anticipates that it will be some time this year. The citation for the new rule will be 29 CFR §1926.1400. The present rule is at 29 CFR §1926.550.

The article points out that the new rule will be much more lengthy and detailed than the current rule. In total, the new rule will be approximately 50 pages in length. It will have lengthy provisions on operator qualifications (8 pages), inspections (11 pages), tower cranes (7 pages), signaling (3 pages), ground conditions (3 pages), assembly/disassembly (6 pages), and power lines (11 pages.).

In addition, the new rule will contain new provisions on fall protection, signal person qualifications, authority to stop operations, and operational aids.

The proposed rule was published in Volume 73, Number 197, of the Federal Register on October 9, 2008, beginning at page 59714. A summary of the proposed rule begins on page 59727.

Also worthy of note is proposed paragraph 1402(c) of the rule, which imposes obligations for ground conditions on "controlling entities," including a prime contractor, general contractor, construction manager or any other legal entity which has the overall responsibility for the construction of the project.

OSHA believes it has the authority to impose such obligations pursuant to the same authority under which it has issued its long-standing multi-employer policy.

[Update: the expected publication data of the new rule is July 2010.] ▲