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<http://www.regulations.gov/#!docketDetail;D=OSHA-2015-0018>

Voluntary Protection Program
Occupational Safety and Health Administration
Department of Labor

RE: Docket ID, OSHA-2015-0018
Updating OSHA's 1989 Safety and Health Program Management Guidelines

To Whom It May Concern:

The draft of guidelines is a great improvement over the 1989 version. Asking for this input is a healthy step to avoid staleness. Thanks to all concerned for all your efforts.

I'm a risk control consultant based in the Baltimore Washington area. I was honored to present a paper at an early Voluntary Protection Program Participants Association conference on management, quality, and employee participation. I'm encouraged to see OSHA engaging the National Safety Council, the Campbell Institute, and others to update the referenced guidelines.

The guidelines are a summary of OSHA's Voluntary Protection Program (VPP) evaluation. It appears VPP expansion is desired particularly among small businesses. I've begun to see the guidelines used to promote safety at other OSHA pages such as for health care and social services.

Resources and positive name recognition appear limited making it very difficult to sell the model and support significant growth. The guidelines and VPP seem vastly underutilized in light of touted results.

Limitations of the guidelines include lack of management skill emphasis, their single scope of risk application (employee health and safety vs. all the numerous other business risks), and some streamlining needs. If growth is desired I believe private sector resources will be needed to supply marketing and branding, business planning, training, selling, and service delivery.

My input follows each of your specific questions.

1. Many names are used to describe workplace safety and health programs. The current draft is entitled Safety and Health Program Management Guidelines because this document updates and replaces OSHA's 1989 publication with the same title. In the intervening years approaches such as those described in these guidelines have come to be known as Occupational Safety and Health Management Systems (OHSMS), Safety and Health Management Systems (SHMS), and Injury and Illness Prevention Programs (IIPP or I2P2). The agency is interested in using a name for this program that small and medium sized businesses will easily understand. Should OSHA consider changing the title to reflect any of these more contemporary titles? If so, why?

Yes. I suggest a marketing and branding specialist be hired to help you name the guidelines based on your goals in their use. Strive to make the name compel a business owner to buy. Other updates to guidelines may then be indicated.

Update the guidelines more often with participation from all sources. I doubt I would have seen the invitation to comment without a Tweet from VPPPA, who I follow.

Give consideration to addressing the numerous other risks beyond worker safety and health. Inclusion of multiemployer worksites already expands the potential scope of risks beyond employee health and safety.

Support for integration of worker safety with other risks and continuous improvement comes from the Campbell Institute research ... "World-class EHS organizations also integrate their systems across environment, health and safety, and in many cases, quality, security and sustainability, with a focus on continuous improvement."

2. One fundamental goal of the guidelines is to encourage continuous improvement in workplace safety and health management and performance. Does the section on Program Evaluation and Improvement make it clear that employers are to improve their programs over time as their evaluation suggests ways to enhance program performance on an ongoing basis (i.e., that it's okay to start with a simple program and build to a more comprehensive program over time) ?

No it's not too clear. Using my previous comment, I suggest leading off with this:

Integrate safety into business plans. For example first, train people, along with them set goals for business risks, and integrate into plans. Then support them and hold them accountable. Use incident management to support continual improvement.

For example in a business plan process, typically your odds for success increase if you select and train people in needed skills before holding them accountable for meeting goals.

Sophisticated incident management systems use incident trends to great advantage in making continuous improvement. Other approaches may fall short of real continuous improvement except in name only.

3. The Agency's goal was to write the guidelines in language that is appropriate for, and easily understood by small and medium-sized businesses and their workers without relying on consultants or outside assistance. Has OSHA achieved that objective?

No. It's a good overview and somewhat understandable by those in the safety field. I don't think you can land and keep customers with a guideline. You must sell the guideline's concept to gain customers and deliver good customer service to keep them. No matter how well the guidelines are written a company with weak management skills will have difficulty achieving any results including those operational, financial, and safety-related.

I suspect the relatively small numbers of OSHA personnel and peer VPP site personnel have generously given their time to assist prospective VPP companies. If greater growth of VPP is desired additional resources are needed.

I'm a consultant and run a small business. I have considerable experience in safety, risk management, business planning, and managing profit and loss. I'm not clear on your reasoning to limit consultants and outside assistance.

4. Have the guidelines overlooked any concepts or actions that are critical to establishing and maintaining an effective safety and health program?

Yes, needed are personnel with strong, pure management skills with accompanying successful experience in hiring, firing, budgeting, profit and loss responsibility, and being held accountable for results. If personnel throughout lack these skills, a company will have extreme challenges in both establishing and maintaining desired safety performance.

Anyone helping implement either the guidelines or their equivalent can benefit from these same management skills and experience.

I'd avoid using the word program, suggesting a separate layer of time-consuming activities. I'd suggest "achieving results".

I'd also recommend more regular, independent review, oversight, and updating of guidelines to consensus best practices.

5. Can you submit to OSHA any case studies or other documentation that illustrates the effects (benefits, organizational impacts) of fully implementing a safety and health program similar to the program described in OSHA's guidelines?

CEOs Who Get It, National Safety Council

<http://www.safetyandhealthmagazine.com/articles/13515-ceos-who-get-it>

Defining World Class EHS

<http://www.nsc.org/CampbellInstituteandAwardDocuments/WP-DefiningWorldClass-EHS.pdf>

Quality & Safety, Risk Control LLC

<http://www.riskcontrolllc.com/quality-safety-risk-management>

6. OSHA's goal is that these guidelines generally be consistent with the current consensus standards. To what extent, if any, are the guidelines inconsistent with the ASSE AIHA Z10-2012 Occupational Health and Safety Management Systems standard, or the Occupational Health and Safety Assessment Series (OHSAS) 18001 Occupational Health and Safety Management standard? Please provide examples of inconsistencies. If so, do these inconsistencies make small and medium-sized businesses more or less likely to implement a safety and health program?

Though I don't work with the standards regularly, I suspect what the guidelines might lack in comparison is promotion of a strong incident analyses and action system. To improve this, develop a top-flight incident system and related training for safety and health. Integration with quality incidents (product and professional liability risks) and incidents related with other business risks would be ideal.

Additionally the standards noted include proving the procedures in place are actually being

followed. Hopefully the referenced Future Tools will include sharing the detailed audit and evaluation document and methods for measurement of compliance to the guidelines used by VPP.

7. Do these guidelines contain any action items that cannot be fully implemented or are too difficult to be implemented by small and medium-sized businesses? Can you provide examples of situation(s) where this might occur?

All the items can be learned and implemented. I suggest you assure strong management skills exist at all levels—executive, middle, and supervisory. Then, with a business plan approach, safety can be integrated, not added on and become an extra time consuming task.

At least the following must be electronically managed: Hazard ID and Assessment; Hazard Prevention and Control; and Incident Management. Paper and pencil approaches are cumbersome and will deter success. Promote research to develop IT tools to reduce time requirements.

Consider eliminating safety and health jargon.

It seems two large sections Hazard ID and Assessment and Hazard Prevention and Control, could be simplified. Consider titling these more simply Hazards and Controls. Also add the fact Hazards and Controls can be satisfied with well-managed Job Safety Analyses or equivalent. Rather than Job Safety Analyses consider Job Analyses with a broader scope, e.g., efficiency, quality, and safety. Add more details on examples and training.

8. Are there industries or types of workplaces in which these guidelines are not appropriate or would be difficult to implement? If so, please give examples and explain why.

No, though they're more challenging for small businesses since they are a time consuming, separate layer of administration applied to a single risk.

9. Has the section on Coordination and Communication on Multiemployer Worksites effectively conveyed actions needed to protect all workers?

No. It's reasonable to address it as part of the scope of guidelines and VPP but it's not too effective. More details on third party risks and treatment of risks would be valuable.

Legal issues are fairly simple for one site with one employer and use of administrative law (Workers' Compensation is nearly a "no fault" law vs. negligence in Tort Law). Risks are much greater when dealing with third parties including contractors. Third party liability is very broad and includes many risks beyond those of workers' compensation. To help manage third party risks, specifications and written contracts should include requirements for qualification and compliance along with indemnification and insurance, all verified and tied to payments.

Depending on the complexity of the contractor make up and work, advice from attorneys and insurance representatives will likely be needed and dovetailed with EHS efforts.

Third party liability should be defined further showing scenarios with pitfalls and successful controls.

Good models of coordinated safety and risk management of multiple companies and contractors at a site are Owner Controlled Insurance Programs (OCIPs) also called Wrap Ups.

Additional contractor supply chain risk management information can be found at:

Best Practices in Contractor Safety Webinar, The Campbell Institute

<https://www.youtube.com/watch?v=jzaWtkWLRwU>

Contractor & Vendor Risk Management Presentation in PPT, Risk Control LLC

<http://www.riskcontrolllc.com/contractor-risk-management-1>

10. Appendix A presents several tools and resources that can aid in program implementation. Are these tools helpful? Should OSHA develop additional tools and resources? If so, what additional tools and resources are needed?

Yes, the tools can be helpful. Tools provided appear to be basic definitions of various things. Hopefully the Future Tools will be more helpful.

I suggest you add a list of management skills training resources. Larger companies may have their own training staff. Smaller companies will need a professional resource such as the American Management Association and similar sources including private companies and universities.

Incident analyses resources may be more difficult. Quality experts combined with your safety staff may be able to learn how to apply quality incident techniques to safety and health. Grand systems are not mandatory. A small business can effectively use either a well-designed manual log or spreadsheet.

Promote social media's power to expand use of the best tools.

Some existing references to tools are really definitions and descriptions. For example https://www.osha.gov/SLTC/etools/safetyhealth/mod4_tools_acc_inves_tools.html, is not actually a tool, rather a generalized page about investigations. A usable tool would be training, applications, and examples of EHS incidents as is done in both small businesses and world class quality management systems.

11. Some of the actions recommended in these guidelines are also required in certain circumstances by OSHA standards. Appendix B lists OSHA standards that contain requirements that are the same or similar to the actions recommended in the Guidelines. Is Appendix B needed and helpful? Is there a more effective way to convey the information contained in Appendix B?

Yes it seems helpful to those who need to know the related standards. It also appears to be well presented in Appendix B.

12. What type of information is most persuasive to small and medium-sized businesses about the benefits of implementing a safety and health program in their workplace? Who can speak most persuasively about the topic (e.g., other business owners/managers, OSHA staff, consultants, etc.)? What stops small and medium-sized businesses from adopting a safety and health program?

I suggest avoiding the term program. Program suggests a separate layer of administration, often perceived as a time waster. Terms related to “results” and “profits” and “dollar savings” are better concepts and more persuasive to business owners, the people you must sell.

Ideally ask the business owners yourself through marketing professionals to get the best answers.

Small business owners will understand how their cost of workers compensation insurance (and other insurance and related risks) affects their profit and loss. Show real monthly and annual examples of business results related to both low and high experience modification factors. Show competitive advantages of good results.

If you’d like prompt, persuasive support, engage the property and casualty insurance industry to assist. They have the fairly homogeneous, nearly no-fault, state-administered, workers’ compensation insurance system, with support staff and dollar caps to large losses. And, it has a built in financial incentive—low losses equal low costs and high losses equal high costs. They have many safety and claim professionals. They also have related sales and marketing staff plus the extensive, local sales support of the insurance agency and broker network.

You don’t even have to invent it—just unleash it.

13. Should OSHA plan to hold stakeholder meeting(s) to allow the public to discuss the guidelines with Agency officials face-to-face? Would holding such a meeting(s) be productive and result in significant improvements in the guidelines? Would you participate in such a meeting?

I think meetings should be held, they can be productive, and can result in improvements. Yes I’d participate.

Regards,

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