

118TH CONGRESS  
1ST SESSION

# H. R. 1706

To authorize the Department of Labor’s voluntary protection program.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 22, 2023

Mrs. HARSHBARGER (for herself and Mr. THOMPSON of California) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To authorize the Department of Labor’s voluntary protection program.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Michael Enzi Vol-  
5 untary Protection Program Act”.

6 **SEC. 2. MICHAEL ENZI VOLUNTARY PROTECTION PRO-**  
7 **GRAM.**

8 (a) COOPERATIVE AGREEMENTS.—The Secretary of  
9 Labor shall establish a program of entering into coopera-  
10 tive agreements with employers to encourage the establish-

1 ment of comprehensive safety and health management sys-  
2 tems that include—

3 (1) requirements for systematic assessment of  
4 hazards;

5 (2) comprehensive hazard prevention, mitiga-  
6 tion, and control programs;

7 (3) active and meaningful management and em-  
8 ployee participation in the voluntary program de-  
9 scribed in subsection (b); and

10 (4) employee safety and health training.

11 (b) MICHAEL ENZI VOLUNTARY PROTECTION PRO-  
12 GRAM ESTABLISHED.—

13 (1) ESTABLISHMENT.—

14 (A) IN GENERAL.—The Secretary of Labor  
15 shall establish and carry out a voluntary protec-  
16 tion program (consistent with subsection (a)) to  
17 encourage excellence and recognize the achieve-  
18 ment of excellence in both the technical and  
19 managerial protection of employees from occu-  
20 pational hazards.

21 (B) DESIGNATION.—The voluntary protec-  
22 tion program carried out under this section  
23 shall be known as the “Michael Enzi Voluntary  
24 Protection Program” (referred to in this Act as  
25 the “Program”).

1           (2) PROGRAM REQUIREMENTS.—The Program  
2 shall include the following:

3           (A) APPLICATION.—Employers who volun-  
4 teer under the Program shall be required to  
5 submit an application to the Secretary of Labor  
6 demonstrating that the worksite with respect to  
7 which the application is made meets such re-  
8 quirements as the Secretary of Labor may re-  
9 quire for participation in the Program.

10           (B) ONSITE EVALUATIONS.—There shall  
11 be onsite evaluations by representatives of the  
12 Secretary of Labor to ensure a high level of  
13 protection of employees. The onsite visits shall  
14 not result in enforcement of citations under the  
15 Occupational Safety and Health Act of 1970  
16 (29 U.S.C. 651 et seq.).

17           (C) INFORMATION.—Employers who are  
18 approved by the Secretary of Labor for partici-  
19 pation in the Program shall assure the Sec-  
20 retary of Labor that information about the  
21 safety and health program shall be made read-  
22 ily available to the Secretary of Labor to share  
23 with employees.

24           (D) REEVALUATIONS.—Periodic reevalua-  
25 tions by the Secretary of Labor of the employ-

1           ers shall be required for continued participation  
2           in the Program.

3           (3) MONITORING.—To ensure proper controls  
4           and measurement of program performance for the  
5           Program under this section, the Secretary of Labor  
6           shall direct the Assistant Secretary of Labor for Oc-  
7           cupational Safety and Health to take the following  
8           actions:

9                   (A) Develop a documentation policy re-  
10                  garding information on follow-up actions taken  
11                  by the regional offices of the Occupational Safe-  
12                  ty and Health Administration in response to fa-  
13                  talities and serious injuries at worksites partici-  
14                  pating in the Program.

15                  (B) Establish internal controls that ensure  
16                  consistent compliance by the regional offices of  
17                  the Occupational Safety and Health Adminis-  
18                  tration with the Program policies of the Occu-  
19                  pational Safety and Health Administration for  
20                  conducting onsite reviews and monitoring injury  
21                  and illness rates, to ensure that only qualified  
22                  worksites participate in the Program.

23                  (C) Establish a system for monitoring the  
24                  performance of the Program by developing spe-

1           cific performance goals and measures for the  
2           Program.

3           (4) EXEMPTIONS.—A site with respect to which  
4           a Program has been approved shall, during partici-  
5           pation in the Program, be exempt from programmed  
6           inspections.

7           (5) NO PAYMENTS REQUIRED.—The Secretary  
8           of Labor shall not require any form of payment for  
9           an employer to qualify or participate in the Pro-  
10          gram.

11          (c) TRANSITION.—The Secretary of Labor shall take  
12          such steps as may be necessary for the orderly transition  
13          from the cooperative agreements and voluntary protection  
14          programs carried out by the Occupational Safety and  
15          Health Administration as of the day before the date of  
16          enactment of this Act, to the cooperative agreements and  
17          Program authorized under this section. In making such  
18          transition, the Secretary shall ensure that—

19                (1) the Program authorized under this section  
20                is based upon and consistent with the voluntary pro-  
21                tection programs carried out on the day before the  
22                date of enactment of this Act; and

23                (2) each employer that, as of the day before the  
24                date of enactment of this Act, had an active coopera-  
25                tive agreement under the voluntary protection pro-

1       grams carried out by the Occupational Safety and  
2       Health Administration and was in good standing  
3       with respect to the duties and responsibilities under  
4       such agreement, shall have the option to continue  
5       participating in the Program authorized under this  
6       section.

7       (d) REGULATIONS AND IMPLEMENTATION.—Not  
8       later than 2 years after the date of enactment of this Act,  
9       the Secretary of Labor shall issue final regulations for the  
10      Program authorized under this section and shall begin im-  
11      plementation of the Program.

12      **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

13      There are authorized to be appropriated to carry out  
14      this Act such sums as may be necessary.

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