

VIRGINIA ACTS OF ASSEMBLY -- 2015 SESSION

CHAPTER 20

An Act to amend the Code of Virginia by adding a section numbered 40.1-49.13, relating to Safety and Health Codes Board; establishment of a Voluntary Protection Program.

[S 881]

Approved February 26, 2015

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 40.1-49.13 as follows:

§ 40.1-49.13. Voluntary Protection Program.

A. As used in this section:

"Model system" means an exemplary, voluntarily implemented worker safety and health management system that (i) implements comprehensive safety and health programs that exceed basic compliance with occupational safety and health laws and regulations and (ii) meets the VPP standards adopted by the Safety and Health Codes Board pursuant to subsection B.

"Voluntary Protection Program" or "VPP" means a program under which the Commissioner recognizes and partners with workplaces in which a model system has been implemented.

B. The Safety and Health Codes Board shall adopt definitions, rules, regulations, and standards necessary for the operation of the Voluntary Protection Program in a manner that will promote safe and healthy workplaces throughout the Commonwealth. The standards for the VPP shall include the following requirements for VPP participation:

- 1. Upper management leadership and active and meaningful employee involvement;*
- 2. Systematic assessment of occupational hazards;*
- 3. Comprehensive hazard prevention, mitigation, and control programs;*
- 4. Employee safety and health training; and*
- 5. Safety and health program evaluation.*

C. Applications for participation in the VPP shall be submitted by the workplace's management. Applications shall include documentation establishing to the satisfaction of the Commissioner that the employer meets all standards for VPP participation.

D. The Department shall provide for onsite evaluations by VPP evaluation teams of each workplace that has applied to participate in the VPP to determine that the applicant's workplace complies with the standards for VPP participation.

E. A workplace's continued participation in the VPP shall be conditioned on compliance with the standards for VPP participation, as determined by periodic onsite evaluations by VPP evaluation teams.

F. During periods in which a workplace is a participant in the VPP, the workplace shall be exempt from inspections or investigations under § 40.1-49.4; however, this exception shall not apply to inspections or investigations of the workplace arising from complaints, referrals, fatalities, catastrophes, nonfatal accidents, or significant toxic chemical releases.

2. That any workplace that was a participant in the uncodified voluntary protection program conducted by the Department of Labor and Industry prior to July 1, 2015, may continue as a participant in the Voluntary Protection Program established pursuant to § 40.1-49.13 of the Code of Virginia, as created by this act. On and after July 1, 2016, the continued participation by such a workplace in the Voluntary Protection Program shall be conditioned upon the workplace's compliance with the standards for participation in the Voluntary Protection Program adopted by the Safety and Health Codes Board pursuant to subsection B of § 40.1-49.13.