

# Michael Enzi Voluntary Protection Program Act Overview



*“The Secretary of Labor shall establish a program of recognizing employers’ voluntary commitment to establish comprehensive safety and health management systems...”*

- Sec.2(a); S.1417 & H.R.2844, the Michael Enzi Voluntary Protection Program Act

## What is the Michael Enzi Voluntary Protection Program Act?

The Michael Enzi Voluntary Protection Program Act<sup>1</sup> represents a bipartisan effort to ensure the long-term future of OSHA’s Voluntary Protection Program so that it may continue to positively impact worker safety not only on VPP sites, but for employers across the country.

Named after the late Senator Michael Enzi (R-WY), who was a champion of OSHA’s Voluntary Protection Program, the VPP Act simply requires that the Department of Labor maintain VPP as a permanent cooperative program within OSHA. Key provisions of the bill include:

- Establishing requirements for participation: an application to join, onsite evaluation, periodic reevaluation and monitoring – the same requirements currently in place.
- Exemptions from OSHA’s programmed inspections: VPP sites are currently exempt, however they remain subject to imminent danger and whistleblower inspections, in addition to their regular evaluation audits every 3-5 years.
- VPP remains free: the VPP Act ensures that, “The Secretary of Labor shall not require any form of payment for an employer to qualify or participate in the Program.” Meaning, VPP—the gold standard of safety & health management systems—remains free for use by any company or site committed to achieving world-class safety and health performance.
- No additional appropriations: Section 2(f) of the VPP Act states that, “Of the funds appropriated for the Occupational Safety and Health Administration for a fiscal year, the Secretary of Labor shall use an amount that is not less than 5 percent of such funds to carry out this Act for such fiscal year.”

## Why is the VPP Act necessary?

OSHA’s Voluntary Protection Program is a discretionary program, meaning that, even after 40+ years of collaboration and success between management, labor and OSHA, it exists in a state of perpetual flux. As administrations—and priorities—change, VPP is constantly at risk of being reduced in scope or eliminated altogether<sup>2</sup>. This uncertainty surrounding the program can contribute to a company’s willingness to commit employees and resources, instead focusing on third-party safety & health management systems that lack the backing—and oversight—of OSHA. Furthermore, companies who choose not to participate in VPP also choose not to provide employees to participate in the Special Government Employee (SGE) program—a free source of supplementary employees available to OSHA and other federal agencies wholly funded by employers.

The Michael Enzi VPP Act would remove this threat by transitioning VPP to a permanent fixture within OSHA. The Act’s primary purpose is to ensure that VPP continues its legacy of innovation and advancement of safety and health best practices while protecting workers well into the future.

## What are the next steps?

Senator Tim Sheehy (R-MT) has introduced S.1417 on April 10, 2025 and the legislation has been referred to the Committee on Health, Education, Labor, and Pensions where it awaits action. Representative Diana Harshbarger

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<sup>1</sup> <https://www.congress.gov/bill/119th-congress/house-bill/2844/text?s=1&r=1>

<sup>2</sup> <https://www.ishn.com/articles/88558-acting-osh-boss-barab-vows-increased-enforcement-less-vpp-emphasis-5-4>

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(R-TN1) introduced companion legislation, H.R.2844, on April 10; the legislation has been referred to the House Committee on Education and the Workforce. H.R.2844 is cosponsored by Rep. Mike Thompson (D-CA4).

Both Senator Sheehy and Representative Harshbarger are currently seeking additional cosponsors for their respective bills while they await action by committee.

## What are the potential obstacles?

While VPP is a program that enjoys tremendous support from nearly 500 local labor organizations<sup>3</sup> (OSHA requires union workplaces to have each trade sign to participate; without full agreement, participation in VPP cannot proceed), leadership at some national and international labor organizations are actively non-supportive of the program, even though rank and file members at the local level support VPP. Their argument against VPP, which results in, on average, 52% fewer injuries and incidents in participating workplaces<sup>4</sup>, seems to center around the belief that funding for OSHA's compliance assistance programs reduces funds available for enforcement activities.

VPP maintains an equally tremendous level of support among industry. Yet, the current political climate and government-wide cuts to critical programs and staff places the Voluntary Protection Program in jeopardy as a discretionary program. Without Congressional action to make VPP permanent, there is a very real risk that this critical safety and health management system—available at no cost to America's workplaces and workers—could be eliminated at any time, leaving thousands of workplaces and hundreds of thousands of front-line workers at risk.

Another obstacle remains the misconception that the VPP Act requires additional appropriations. This is incorrect—the legislation simply requires that the Secretary of Labor devote 5% of OSHA's annual appropriations—as determined by Congress—to support VPP.

## What is the path forward for the Michael Enzi VPP Act?

VPP is a program that maintains strong long-term support from some of the nation's largest employers. Secretary of Labor Lori Chavez-DeRemer and Assistant Secretary of Labor for Occupational Safety and Health nominee David Keeling enjoy the support of both labor organizations and business; both are on the record in support of cooperative and compliance assistance programs. Finally, the apparent desire to reduce political tensions in Washington, coupled with the bipartisan support that the Act has achieved in previous sessions, could translate into an early bipartisan win for both parties.

Codification of OSHA's Voluntary Protection Program requires no additional appropriations and cements the legacies of both Senator Michael Enzi and one of government's best examples of working with the private sector for good.

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<sup>3</sup> <https://www.osha.gov/vpp/byunion>

<sup>4</sup> <https://www.osha.gov/vpp/evaluation2021>