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**DOE-STD-1232-2019/1**

**DOE STANDARD**  
**U.S. DEPARTMENT OF ENERGY**  
**VOLUNTARY PROTECTION**  
**PROGRAM-PROGRAM STRUCTURE**  
**Volume 1 of 4**



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## Foreword

This Department of Energy (DOE) Standard is approved for use by all DOE Components and their contractors. Originating on January 26, 1994, DOE Voluntary Protection Program (VPP) encourages and recognizes excellence in occupational safety and health protection. This program parallels the Occupational Safety and Health Administration (OSHA) VPP. DOE designed DOE VPP to apply to all contractors in the DOE complex, including production facilities, laboratories, subcontractors, and support organizations. DOE contractors are not required to participate in DOE VPP. In keeping with OSHA and DOE VPP philosophy, participation is strictly voluntary. Additionally, participants may withdraw from the program at any time.

This Standard uses the word “shall” to denote a requirement of this Standard; the word “should” denotes a recommendation of this Standard; and, the word “may” denotes permission, but not a requirement or a recommendation of this Standard. To satisfy this Standard, program participants need to meet all applicable “shall” statements. Alternate approaches that demonstrate an equivalent level of safety are also acceptable, if approved by the DOE field element. “Should” statements represent DOE technical expectations. Alternative approaches to “should” statements are permitted and do not require approval by DOE.

Beneficial comments (recommendations, additions, and deletions), as well as any pertinent data that may be of use in improving this document, should be e-mailed to: [brad.davy@hq.doe.gov](mailto:brad.davy@hq.doe.gov) or sent to:

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## I. PROGRAM OVERVIEW

### A. Introduction

The Department of Energy (DOE) recognizes that true excellence can be encouraged and guided but not standardized. Therefore, to promote excellence in occupational safety and health protection, DOE initiated the DOE Voluntary Protection Program (DOE-VPP). This program closely parallels the Voluntary Protection Programs of the Occupational Safety and Health Administration (OSHA). The VPP, adopted by OSHA on July 2, 1982, has demonstrated that cooperative action among Government, industry, and labor can achieve excellence in worker health and safety.

DOE-VPP outlines areas where DOE contractors and subcontractors can surpass compliance with DOE Orders and OSHA standards. The program encourages a *stretch for excellence* through systematic approaches, which emphasize creative solutions through cooperative efforts by managers, employees, and DOE.

DOE bases requirements for DOE-VPP participation on comprehensive management systems with employees actively involved in assessing, preventing, and controlling the potential health and safety hazards at their sites. DOE-VPP is open to all contractors in the DOE complex including production facilities, laboratories, and various subcontractors and support organizations. DOE contractors are not required to apply for participation in DOE-VPP. In keeping with OSHA and DOE-VPP philosophy, *participation is strictly voluntary*. Additionally, any participant may withdraw from the program at any time.

This Standard describes the general structure and requirements for DOE-VPP. DOE contractors and subcontractors that wish to apply for DOE-VPP shall submit a formal application describing how they meet these requirements.

### B. Purpose of the Formal Recognition Programs

DOE has long recognized that compliance with OSHA standards and DOE Orders by itself cannot accomplish all the goals desirable in a comprehensive health and safety program. No matter how carefully conceived and properly developed, DOE Orders and regulatory standards can never address all unsafe activities and conditions. At the same time, contractors and their employees at all levels possess valuable firsthand knowledge of the processes, materials, and hazards involved in their own operations. This knowledge, combined with the ability to quickly evaluate and address unique hazards, can improve facility health and safety in ways that are not available through DOE or other oversight agencies.

The purpose of DOE-VPP is to recognize and promote excellence in contractor occupational health and safety programs. These programs, composed of management systems for preventing and controlling occupational hazards, not only ensure that participants meet DOE requirements, but go beyond requirements to provide the best feasible health and safety protection at that site.

The management systems also provide strong incentives for participants. Since initiating its Voluntary Protection Programs in 1982, OSHA has had more than 2,300 industry and government participants. These companies have enjoyed many benefits from their participation, including the following:

1. Fewer employee injuries;
2. Decreased worker compensation payments;
3. Decreased litigation costs relating to worker injury/illness;
4. Fewer OSHA noncompliance findings;

5. Improved employee morale;
6. Improved communication between management and employees;
7. Increased employee and management involvement in health and safety-related matters;
8. Increased productivity and profits; and
9. Positive public relations.

DOE and its contractors have enjoyed these same benefits. DOE-VPP participants enter into a new relationship of trust with DOE that allows them to approach health and safety problems cooperatively, as long as DOE is convinced that the contractor or subcontractor is acting in good faith.

By approving a contractor for participation in DOE-VPP, DOE recognizes that the contractor complies with the appropriate DOE Regulations, Orders and Standards, but is also working to exceed those minimum requirements. The symbols of this recognition, provided by DOE, are certificates of approval and the right to use flags showing the program in which the site is participating. The participant may also choose to use program logos on letterhead or on award items for employee contests. More importantly, DOE-VPP may provide participating contractors with additional avenues to work with the Department in resolving health and safety problems.

### **C. DOE-VPP Ground Rules**

While participation in the DOE-VPP is voluntary, compliance with DOE Orders and applicable Federal, State, and local laws remains mandatory. When contractors achieve DOE approval for participation in DOE-VPP, the following ground rules apply:

1. All valid employee complaints that occur at DOE-VPP approved sites are still subject to normal DOE oversight proceedings;
2. Any incidents at DOE-VPP approved sites that are normally reportable under DOE Orders and policies (e.g., emergencies, unusual occurrences, and off-normal events, noncompliances, violations) shall be handled in accordance with specified DOE procedures;
3. All fatalities and catastrophes at DOE-VPP approved sites shall be handled in accordance with specified DOE procedures; and
4. Incentive programs offered to workers by the contractor shall not discourage or appear to discourage reporting of injuries, illnesses, or safety concerns by workers.

All levels of reporting (e.g., reporting of emergencies, unusual occurrences, and off-normal events) still apply to DOE-VPP participants; and DOE continues to be responsible for investigating these reports, as well as valid, formal employee health and safety complaints or concerns, significant events, and fatalities.

### **D. Program Description**

DOE-VPP consists of three participation levels, with names and functions similar to those in OSHA's VPP. These levels are Star, Merit, and Demonstration.

The Star level is the core of DOE-VPP. This level recognizes outstanding protectors of employee safety and health. A participant at the Star level should be a model for other members of its industry and other DOE contractors and subcontractors. Because this is a dynamic continuous improvement program, participants cannot allow their efforts to stagnate. Approvals are not limited to set durations, but they are subject to triennial re-evaluation by DOE to ensure that the participant still warrants Star level.

The Merit level is a steppingstone for contractors and subcontractors that have good safety and health programs but need time and DOE guidance to achieve Star status. At the time of Merit approval, DOE and the contractor agree upon a set of goals and a term of participation (not to exceed 5 years) for the contractor to complete the goals. DOE teams shall typically evaluate the contractor's progress annually. Once the contractor achieves the Merit goals to DOE's satisfaction, DOE can approve Star Level participation.

DOE expects rare use of the Demonstration Level. This level allows DOE to recognize existing achievements in alternative situations that DOE needs more information about before it can determine approval requirements for the Star Level. Approval for the Demonstration Level is for an agreed-upon duration, not to exceed 5 years, and is subject to annual DOE-VPP re-evaluation during that period. Whenever DOE is comfortable with its knowledge of the alternative situation it can approve the site directly to Star or change the published Star requirements to include the alternative situation. Subsequently, other contractors in the same type of situation or special industry would apply directly for Merit or Star Level approval.

## **E. Common Features**

A number of features are common to all three levels under DOE-VPP.

### **1. Contractor Eligibility**

Under the Occupational Safety and Health Act of 1970, Congress exempted many DOE contractors, including national laboratories operated by DOE, from enforcement by the Occupational Safety and Health Administration (OSHA), which are therefore ineligible to participate in OSHA's VPP. The DOE-VPP is for those contractors or subcontractors, including laboratories that are not eligible for OSHA's VPP. The management of any DOE contractor or subcontractor can apply for participation in DOE-VPP for that employer's operations (or elements of their operations) at one DOE site. All employees and workspaces under the contractor's control at the given site shall be included in the program. However, participation by one contractor does not obligate other contractors at the same site.

Subcontractors that wish to participate in DOE-VPP may do so whether or not the DOE prime contractor participates, providing the subcontractor can demonstrate to DOE that it is able to protect its employees without the assistance of the prime contractor. In addition, all prime contractors and subcontractors applying to DOE-VPP shall be able to demonstrate that each of their subcontractors can ensure adequate employee protection.

At some DOE sites, any single company or subcontractor may not be capable of meeting the DOE-VPP expectations individually, but the contractors and subcontractors working at a site may collectively be able to qualify. In such situations, a single application may be submitted provided it includes a joint written understanding of each contractor's, or subcontractor's, commitment, roles, responsibilities, and authorities. In such cases, withdrawal or failure to fulfill the obligations of any of the participant organizations shall necessitate withdrawal by all the participants.

### **2. Assurances**

Applications for participation in DOE-VPP shall include certain assurances describing what the contractor shall do if DOE approves the application. The contractor shall ensure the following:

- a. It shall meet and maintain all requirements for DOE-VPP participation;
- b. It shall explain the DOE-VPP to all employees, including newly hired employees when they reach the site. Such explanation shall specifically include employee rights under the program;



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- c. It shall correct all hazards discovered through any assessments, investigations, reports, or maintenance in a timely manner. It shall provide interim protection in the meantime;
- d. In preventing or controlling hazards, it shall eliminate the hazard as the preferred method where feasible, followed by engineered controls as the second choice, administrative controls/safe work practices as the third choice, and personal protective equipment as the final choice;
- e. If it gives employees health and safety duties as part of the health and safety program, the contractor shall ensure that those employees are protected from discriminatory actions, including unofficial harassment, resulting from the exercise of their duties;
- f. Employees shall have access to the results of self-audits, appraisals, assessments, and accident investigations upon request (except as limited by classified matter need-to-know, protecting personally identifiable information, or other lawful or demonstrably appropriate considerations); and
- g. The information listed below shall be available for DOE review during the approval process and for the period between re-evaluation visits and the final DOE decision. (NOTE: DOE shall examine records in accordance with all contract stipulations and with all laws relating to personal privacy.)
  - (1) Written health and safety program in accordance with title 10, Code of Federal Regulations, part 851 (10 CFR 851);
  - (2) Copies of the log of injuries and illnesses, and the OSHA 301 or the DOE F 5484.3 Individual Accident/Incident Report;
  - (3) Injury and illness records for subcontractor employees in areas controlled by the participant contractor;
  - (4) Monitoring and sampling records, if applicable;
  - (5) Medical records (which shall be held confidential);
  - (6) Training records;
  - (7) Agreement between management and the collective bargaining agent(s) concerning the functions of the safety committees and its organization, where applicable;
  - (8) Minutes of each committee meeting, where applicable;
  - (9) Committee inspection records, where applicable;
  - (10) Management inspection and accident investigation records;
  - (11) Records of notifications of unsafe or unhealthful conditions received from employees and action taken, taking into account appropriate privacy interests; and
  - (12) Annual internal health and safety program evaluation reports.
  - (13) Contractors for the Merit and Demonstration Levels shall provide assurance that any data necessary to evaluate achievement of individual goals not listed above shall also be made available to DOE; and
  - (14) Each year, by February 15, the participating site shall provide the Field Element DOE-VPP POC with the site's Total Recordable Case (TRC) rates and Days Away, Restricted or Transferred (DART) case rates, hours worked, the applicable North American Industry Classification System (NAICS) code(s), and estimated average employment for the past full calendar year for the contractor and any subcontractors. The site shall also provide a copy of the last annual program evaluation completed (See Volume 2, Section VII.B).

### **3. Unionized Sites**

When a site applying for DOE-VPP participation has employees organized by one or more collective bargaining units, the authorized agent(s) shall either sign the application or submit a signed statement indicating support of participation in the program. Without such concurrence, DOE shall not approve program participation.

### **4. OSH Noncompliance Corrections**

DOE shall not approve a contractor application for DOE-VPP participation unless the contractor has corrected all noncompliances related to worker safety and health, and cleared those conditions through DOE, or the DOE-VPP Onsite Review Team determines that:

- a. The contractor conducted appropriate priority assessment;
- b. The contractor has taken appropriate action and interim protective measures; and
- c. Where budget considerations have delayed the desired action, the contractor has taken all steps feasible within the available resources to reduce or prevent employee exposure to the hazard.

### **5. Underreporting of accidents, injuries, or illnesses**

DOE shall not approve a contractor application for DOE-VPP participation if there is evidence that award or incentive programs discourage or appear to discourage reporting of accidents, injuries, or illnesses. If the DOE-VPP Onsite Review Team identifies such disincentives to reporting, the contractor or participant may modify the program to remove those disincentives before the Office of Environment, Health, Safety and Security (AU) issues the final report. If the contractor cannot complete modifications prior to the final report, the modifications should become a Merit goal (for new participants) or result in a recommendation for *conditional* approval for continued participation (for Star participants). If the contractor is unwilling to make the necessary modifications, the DOE-VPP Onsite Review Team may recommend termination from DOE-VPP.

## **II. THE STAR LEVEL**

### **A. Purpose**

DOE bases the Star Level on the characteristics of the most comprehensive health and safety programs used in a broad range of industries. The Star Level recognizes contractors with outstanding injury-and illness-prevention programs that have been successful in reducing workplace hazards, and encourages other contractors to emulate those participants' success.

### **B. Term of Participation**

The term of participation in an approved Star Level is unlimited, contingent upon continued favorable triennial re-evaluation.

### **C. Experience**

The contractor has implemented the elements of the health and safety program described in Section II.E at a level consistent with Star for at least 12 months.

### **D. Injury and Illness Rates**

The contractor's average for both DART case rates and TRC rates for the most recent 3-year period shall be at or below the most recent specific industry national average NAICS code three digit level published by the Bureau of Labor Statistics (BLS). Where a contractor operation is new to a DOE site (and not a new company taking over an existing operation), DOE may, at its discretion, make its rate determination on the basis of the time of operations at the site, providing that at least 12 months of operational data are available.

The contractor submits NAICS codes that are subject to acceptance by DOE. The contractor should select the NAICS code based on the predominant contractor activity at the site. Where there are any questions, DOE shall determine the correct code based on the relative amounts of time spent on the contractor's, or subcontractor's various activities at the site.

### **E. Qualifications for the Star Level**

The basic elements and sub-elements of DOE-VPP are consistent with the OSHA-VPP, and outlined below.

#### **1. Management Leadership**

Management leadership is a key element to obtaining and sustaining an effective safety culture, and implementing the guiding principles of Integrated Safety Management (ISM). The contractor shall demonstrate senior level management commitment to ISM and occupational safety and health, and to meeting the requirements of DOE-VPP. Management systems for comprehensive planning shall address health and safety requirements and initiatives. Elements of that management system shall include: (1) clearly communicated policies and goals; (2) clear definition and appropriate assignment of responsibility and authority; (3) adequate resources; (4) accountability for both managers and workers; and (5) managers shall be visible, accessible, and credible to employees. As with any other management system, the organization shall integrate authority and responsibility for employee health and safety with its management system, and shall involve employees at all levels of the organization.

- a. **Commitment to Health and Safety Protection.** As with any other management system, the contractor shall integrate authority and responsibility for employee health and safety with the

management system of the organization and shall involve employees. This commitment includes the following:

- (1) **Policy.** The contractor should communicate a clearly stated policy on safe and healthy working conditions to employees at all levels, so they understand the priority of safety and health protection in relation to other organizational values.
  - (2) **Goal and Objectives.** There should be an established and communicated goal and related objectives for the safety and health program so that all employees understand the desired results and the planned measures for achieving those results.
  - (3) **Planning.** Planning for safety and health shall be part of the overall long-term management planning.
- b. **Written Safety and Health Program.** All critical elements of the safety and health program, including management leadership, employee involvement, worksite analysis, hazard prevention and control, and safety and health training, shall be a part of the written program.
- (1) **Adequacy.** All aspects of the safety and health program shall be appropriate to the size of the worksite, the complexity of the hazards, and the nature of the industry.
  - (2) **Responsibility.** Responsibility for all aspects of the safety and health program shall be assigned and communicated so that all managers, supervisors, and line employees know what is expected of them.
  - (3) **Authority and Resources.** Responsible employees shall have adequate authority and resources to perform the desired tasks. Documented commitments of necessary resources for workplace health and safety address staffing, space, equipment, training, and promotions. Budget and capital expenditures for health and safety improvements shall also be included.
  - (4) **Line Accountability.** The contractor holds managers, supervisors, and employees accountable for meeting their assigned responsibilities, as demonstrated through employees evaluations at all levels. A functional and operational system for rewarding good performance and correcting deficient performance shall be in place.
  - (5) **Visible Management Involvement.** Top management involvement in health and safety related activities shall be apparent to all employees. This involvement should include:
    - (a) establishing clear lines of communication with employees;
    - (b) setting an example of safe and healthy behavior;
    - (c) ensuring that all employees (including subcontract employees and vendors) and visitors in the contractor's-controlled spaces have a safe and healthy workplace;
    - (d) and being accessible to employees for health and safety concerns.
  - (6) **Site Orientation and General Accountability.** There shall be documented programs for orienting all employees to the hazards that they might encounter, and the associated controls. The contractor shall hold all persons operating in contractor-controlled spaces accountable for complying with safety expectations, including subcontractor employees, vendors, consultants, students, and visiting scientists.
  - (7) **Subcontractor Employee Coverage.**
    - (a) Contractors shall be able to demonstrate that they have considered the health and safety programs and performance of all subcontractors during the evaluation and selection process, especially for operations such as construction.

- (b) The contractor shall keep records of the hours worked and the injuries and illnesses incurred by subcontractor employees while working in the contractor's spaces. DOE expects the rates calculated for such work to be at or below the most appropriate industry average, as reported by the most recent BLS publication.
  - (c) Contracts shall: (1) specify authority for the oversight, coordination, and enforcement of safety and health programs by the contractor and provide documentary evidence of the contractor's exercise of this authority; (2) provide for the contractor's prompt correction and control of hazards, however detected, in the event that subcontractors or individuals fail to correct or control such hazards; and (3) specify penalties, including dismissal from the worksite, for willful or repeated noncompliance by contractors, subcontractors, or individuals.
  - (d) The contractor shall be able to demonstrate that it carries out the above contract provisions.
- (8) **Safety and Health Program Evaluation.** The contractor shall have a system for evaluating the success of the safety and health program in meeting the goal and objectives, so that those responsible can determine and implement any needed changes.
- (a) The system shall provide for an annual, written, narrative report, including recommendations for improvements and documented timely follow-up.
  - (b) The evaluation shall assess the effectiveness of each element and sub-element described in Section II.E of this document.
  - (c) The evaluation may be conducted by competent corporate or site personnel or by a third party from the private sector.

## 2. Employee Involvement

Employees at all levels shall continue to be involved in the structure and operation of the safety and health program and in decisions that affect employee health and safety. Employee involvement is a major pillar of a strong safety culture. Employee participation is in addition to the individual right to notify appropriate managers of hazardous conditions and practices. Managers and employees shall work together to establish an environment of trust where employees understand that their participation adds value, and is welcomed. Managers shall be proactive in recognizing, encouraging, facilitating, and rewarding workers for their participation and contributions. Both employees and managers shall communicate and collaborate in open forums to discuss continuing improvements, recognize and resolve issues, and learn from their experiences.

### a. Construction contractors.

Because of the seriousness of the hazards, the changing worksite conditions, the expanding and contracting workforce, and the high turnover rate, construction sites shall use the labor-management safety committee approach to involve employees in identifying and correcting hazardous activities and conditions. For DOE sites conducting active demolition or deconstruction activities, the contractor should consider using this approach as well. The contractor shall be able to demonstrate that the site has a joint labor-management committee for health and safety that has the following characteristics:

- (1) The labor-management committee shall have a minimum of one year's experience providing health and safety advice and making periodic site assessments.
- (2) At least half of the committee members shall be:

- (a) Bona fide employee representatives who work at the site and, if the site is unionized, are selected, elected, or approved by a duly authorized collective bargaining organization; or
  - (b) Hourly craft workers who rotate through membership frequently enough that all such employees receive experience on the committee over a reasonable period and have terms long enough to develop sufficient expertise to be of assistance.
- (3) The joint labor-management committee shall meet at least monthly, keep minutes of the meetings, and have a quorum consisting of at least half the members of the safety committee. This safety committee shall include representatives of both craft workers and management.
- (4) Hazard assessments by members of the health and safety committee shall cover the entire construction worksite as appropriate, but no less frequently than once per month.
- (5) In addition, the joint committee shall be allowed to:
  - (a) Observe or assist in investigating and documenting major accidents;
  - (b) Have access to all relevant health and safety information; and
  - (c) Have adequate training to recognize hazards, with continued training provided as needed.
- b. Non-construction Contractors.

Non-construction contractors may meet the employee participation requirement in a variety of ways, however that participation must involve the identification and resolution of health and safety problems. The following are some examples of acceptable means of providing for employee impact on decision-making:

  - (1) Safety committees;
  - (2) Safety observers;
  - (3) Ad hoc health and safety problem-solving groups;
  - (4) Health and safety training of other employees;
  - (5) Analysis of job hazards; and
  - (6) Committees that plan and conduct health and safety awareness programs.

### 3. Worksite Analysis

Management of health and safety programs begins with a thorough understanding of all hazards that workers might encounter during the course of work, and the ability to recognize and correct new hazards. The first two core functions of ISM, defining the scope of work, and identifying and analyzing hazards, form the basis for a systematic approach to identifying and analyzing all hazards encountered during the course of work. Work planners shall use the results of the analysis in subsequent work planning efforts. Effective safety programs also integrate feedback from workers regarding additional hazards that they encounter, and include a system to address new or newly recognized hazards. Successful worksite analysis also involves implementing preventive and/or mitigating measures during work planning to anticipate and minimize the impact of such hazards.

- a. The contractor should analyze all planned, new, or newly acquired facilities, equipment, materials, and processes before use, to determine potential hazards and to plan for prevention or control.
  - (1) The contractor should conduct prejob planning and preparation for different phases of activities.

- (2) Such planning may take the form of a documented safety analysis for nuclear facilities, or more formal authorization basis for other complex facilities undertaking hazardous operations.
  - (3) For construction, a comprehensive safety and health project design evaluation is required.
- b. Trained and qualified safety and health professionals conduct comprehensive health and safety surveys at intervals appropriate for the nature of workplace operations, to identify existing hazards and potentially significant risks and to ensure employer awareness and control of those risks.
  - (1) This requirement starts with a baseline survey of health and safety hazards accomplished through initial comprehensive industrial hygiene, safety, and radiological surveys as applicable.
  - (2) The contractor shall use nationally recognized procedures for all sampling, testing, and analysis, and maintains written records of results.
- c. There should be a system for conducting routine, general hazard control/compliance verifications that follow written procedures or guidance and result in written reports of findings and tracking of hazard correction.
  - (1) For continuous activities, these routine, general hazard control/compliance verifications shall be conducted at least monthly and cover the whole worksite at least quarterly.
  - (2) During construction, general hazard control/compliance verifications shall cover the entire worksite at least weekly.
  - (3) Also in construction, monthly general hazard control/compliance verifications are required to be conducted by members of the health and safety committee that cover the entire worksite at least quarterly.
- d. The contractor shall conduct routine examinations and analyses of hazards associated with individual jobs, processes, operations, or phases of construction, and include the results in training and hazard control programs. This includes job safety analysis and process hazard review. For construction projects, the emphasis should be on the special health and safety hazards of each craft and possible overlapping activity hazards for each phase of construction.
- e. A reliable system shall be in place to allow employees, without fear of reprisal, to notify appropriate management personnel in writing about conditions that appear hazardous and to receive timely and appropriate responses. The system shall provide anonymity if the individual desires. The system may include oral notification by employees, but in all instances shall include written tracking of responses and hazard corrections.
- f. An accident/incident investigation system is in place and includes written procedures or guidance, that requires written reports of findings, hazard correction tracking, identifies causes and provides for preventive or corrective actions. This system shall also include provisions for a narrative report that is suitable for dissemination to all employees. This report shall contain root causes, analysis, and lessons learned.
- g. Trend analyses shall be conducted for all data accumulated under the health and safety program (including injury and illness experience, inspection, and employee reports of hazards) to help identify systemic problems that may not be noticed when only isolated incidents are considered.

#### 4. Hazard Prevention and Control

The third and fourth core functions of ISM, identify and implement controls and perform work in accordance with controls, ensure that once hazards have been identified and analyzed, they are eliminated (by substitution or changing work methods) or addressed by implementing effective controls (engineered controls, administrative controls, or personal protective equipment (PPE)). The equipment maintenance processes and emergency preparedness plans shall ensure compliance with requirements. The organization shall develop and communicate safety rules and work procedures that all employees understand and follow to prevent, control the frequency of, and reduce the severity of mishaps.

- a. Certified Industrial Hygienists, Certified Safety Professionals, Safety Engineers, Fire Protection Engineers, Certified Occupational Physicians, and Certified Occupational Health Nurses shall be available as needed, based on the potential risks at the site.
- b. Means for eliminating or controlling hazards are to be implemented in the following order:
  - (1) Hazard elimination (get rid of the hazard);
  - (2) Process and/or material substitution (reduce or change to a lower hazard);
  - (3) Engineered controls i.e. using an actual physical barrier or removal of power source;
  - (4) Administrative controls and notification of hazards/controls; and
  - (5) PPE (the least effective control/barrier directly affecting the employee)
- c. Where administrative controls (including work rules and operating procedures) are adopted, they shall be appropriate to the hazards of the site, fully implemented (i.e., used by employees), and subjected to periodic update (e.g., triennially).
- d. There shall be written procedures for positive reinforcement, reorientation, and, when necessary, consistent, fair disciplinary action for all managers, supervisors, and employees who break or disregard safety rules, safe work practices, material handling procedures, or emergency plans. The contractor shall communicate these procedures to employee.
- e. There shall be ongoing monitoring and preventive/predictive maintenance to prevent workplace equipment from becoming hazardous.
- f. A system shall be in place for initiating and tracking hazard correction in a timely manner.
- g. The Emergency Management program shall be capable of timely and orderly response actions consistent with applicable requirements.
- h. The contractor shall have a medical program that includes timely access to occupational physicians and provides the services required by any applicable Federal and/or State regulations. Occupational professionals, such as occupational physicians and nurses, shall assist in hazard analysis activities (such as job hazard analyses and comprehensive surveys), in early recognition and treatment of illness and injury, and in limiting the severity of harm. Personnel trained in Cardio Pulmonary Resuscitation (CPR) and first aid should be available to all persons working in contractor-controlled spaces during all shifts.

#### 5. Health and Safety Training

Managers, supervisors, and employees shall know and understand the policies, rules, and procedures established to prevent exposure to hazards. Training for health and safety shall ensure that personnel understand their responsibilities, recognize hazards they may encounter, and are capable of acting in accordance with management expectations and approved procedures.

- a. Managers shall understand their safety and health responsibilities, as described under Section II.E.1, "Management Leadership," and know how to carry out those responsibilities effectively.



- b. Likewise, supervisors shall understand their responsibilities and know how to carry them out effectively. These responsibilities include:
  - (1) understanding the hazards associated with a job and the potential effects on employees;
  - (2) understanding how to ensure, through teaching and enforcement, that employees follow the rules, procedures, and work practices for avoiding or controlling exposure to the hazards; and
  - (3) ensuring everyone understands what to do in emergencies.
- c. Employees, through training and reinforcement, shall become aware of hazards, the safe work procedures to follow to protect themselves and what to do in emergencies. Employee responsibilities include using PPE where required and understanding why it is required, what its limitations are, how to maintain it.

### **III. THE MERIT LEVEL**

#### **A. Purpose**

DOE provides the Merit level for contractors that do not yet meet the qualifications for the Star level but wish to work toward Star level status. If DOE determines that the employer has demonstrated the commitment and the potential to meet Star requirements, it uses the Merit level to set goals that, once achieved, shall qualify the site for participation in the Star level.

#### **B. Term of Participation**

DOE establishes Merit level participation for specific periods, not to exceed 5 years, as agreed upon in advance of approval. The term depends on how much time the contractor is likely to need to accomplish the goals required for Star. Unless AU grants an extension, participation expires at the end of the term.

#### **C. Qualifications for the Merit level**

##### **1. Health and Safety Program Requirements**

An eligible contractor to the Merit level shall have a written health and safety program that covers the essential elements described in Section II.E for the Star level.

- a. The basic elements (management leadership, employee involvement, worksite analysis, hazard prevention and control, and health and safety training) should all be operational or, at a minimum, in place and ready for implementation by the date of approval. For construction projects, the joint labor-management committee shall have a minimum of 3 months' experience in providing health and safety general hazard control/compliance verifications before approval.
- b. DOE does not expect the elements to be at the Star level of completeness. Participation at the Merit level is an opportunity for the contractors to work with DOE to improve the quality of their health and safety programs and reduce their injury/illness rates, if necessary, in order to meet the requirements for Star.

##### **2. Injury and Illness Rates**

- a. For construction projects under the Merit level, contractors shall meet the requirements outlined below.
  - (1) Contractors or subcontractors with DOE site construction operations and with less than 12 months of experience shall be able to demonstrate that the contractor company's 3-year average TRC rates and DART cases rates are at or below the most recently published BLS national average for the industry (at the three digit NAICS level). The rates shall be for construction operations and may include the company's entire workforce or only the workforce for an appropriate geographical area that includes the site making the application. If either of the average rates is above the most recently published BLS average for the specific industry, the contractor shall demonstrate that it has effective plans to reduce the rates in a reasonable period.
  - (2) If the contractor's operations have existed for 12 months or more, DOE shall calculate the average rate for the life of the project up to a maximum of three complete calendar years. If either of the average rates is above the average for the specific industry (at the three digit NAICS level), as most recently published by BLS, the contractor shall demonstrate that the methods planned for reducing the rates can do so in a reasonable period of time.
- b. For non-construction operations, if either the 3-year average rate for TRC rates, or the 3-year average for DART cases rates, is above the National average for the specific industry (at the three

digit NAICS level as most recently published by BLS), the contractor shall have goals to reduce either or both of those rates. The contractor shall also demonstrate an effective plan to achieve those goals. For new operations, the rates used are the average rates over the life of the project, with a minimum of 12 months of data.

### **3. Goals**

Along with appropriate rate reduction goals, any system required for Star participation that is not in place or is not yet of Star quality at the time of approval shall be set as a goal.

## IV. THE DEMONSTRATION LEVEL

### A. Purpose

The Demonstration level allows DOE to permit DOE-VPP participation by contractors, subcontractors, or vendors with excellent safety and health programs while DOE learns more about their unusual situations or industries. DOE does not expect to use the Demonstration level frequently; it is a tool providing DOE with flexibility in special circumstances.

### B. Term of Participation

DOE approves Demonstration levels for specific periods not to exceed 5 years. DOE may terminate program participation at any time if it believes that the Demonstration level is not providing useful information, or the participant is not continuing to provide the excellent employee safety and health protection that was apparent at the time of approval.

### C. Qualifications for the Demonstration level

1. The contractor shall have in place a comprehensive occupational safety and health program that includes the basic elements described in Section II.E. It may demonstrate, however, that one or more of the sub-elements is unnecessary or should be different for its unique situation.
2. The contractor's averages for DART case rates and TRC rates for the most recent 3-year period shall both be at, or below, the most recent specific industry (at the three digit NAICS level) National average published by BLS. Where a contractor operation is new to a DOE site (and not a new company taking over an existing operation), DOE may, at its discretion, make its rate determination on the basis of the time of operations at the site, providing that at least 12 months of operational data are available.
3. The contractor submits NAICS codes with verification subject to acceptance by DOE. The contractor should select a NAICS code based on the predominant contractor activity at the site. Where there are any questions, DOE shall determine the basis of the relative amounts of time spent on the contractor's or subcontractor's various activities at the site.

### D. Movement from Demonstration to Star

Based upon review of the special situation, DOE shall determine if it needs to add requirements to the Star level for participants from this industry or situation.

1. **No Special Requirements Needed.** If DOE does not need special requirements, and is convinced that current Star requirements are appropriate for this type of industry, then DOE may determine, without further application or re-evaluation, whether the demonstration site meets those Star requirements. If so, DOE may directly approve the contractor for the Star level.
2. **Special Requirements Needed.** If DOE decides that it needs special requirements for this type of industry or situation, then DOE shall first make the necessary changes and update the DOE-VPP documents. Once DOE has updated the documents, DOE may determine, without further application or re-evaluation, whether the demonstration site meets the newly revised Star requirements. If so, DOE may directly approve the contractor for the Star level.

## V. DOE-VPP AWARDS PROGRAM

### A. Contractor Awards

To emphasize the fundamental necessity of continued improvement in protecting workers, DOE shall recognize those participants who consistently perform significantly better than their industry counterparts, exhibit excellence in mentoring, community outreach, and establish challenging and effective safety improvement goals.

DOE patterned its recognition program after *The Star Among Stars* program initiated by OSHA's Region VI (Dallas Regional Office). OSHA's Region VI office created the "Star Among Stars" award program as an element of its VPP process. The OSHA program recognizes those regional, private industry "Star" work sites currently enrolled in the OSHA VPP whose programs demonstrated a high level of success as measured by their statistical safety performance.

DOE designed its recognition program to avoid reliance on safety and health statistics and recordkeeping alone to avoid any incentives to under reporting and recording. Such recordkeeping incentives can reduce the accuracy and validity of recordkeeping, mask adverse trends in health and safety statistics, and slow efforts to improve health and safety.

Because of this possibility, DOE shall equally emphasize the VPP annual evaluation and reporting requirement, especially the goals and objectives setting process that feeds continuous improvement; and the outreach/mentoring obligation, which is an excellent benchmark of a proactive, continuously improving VPP site.

This recognition is only for Star level participants. To be eligible for recognition, the contractor shall demonstrate through its annual report that they meet three fundamental criteria:

1. The site shall clearly demonstrate that it is using its annual self-assessment to establish challenging annual safety and health goals, and that it is achieving those goals;
2. The site shall clearly show the extent and effect of the site's mentoring and outreach efforts; and
3. The site shall have calendar year TRC rates that are significantly better than its comparison industry. DOE shall not use alternative calculations for TRC rates for awards nor shall subcontractors' TRC rates be included in award calculations.

Star participants placed in a *conditional* status because of a headquarters review are not eligible for recognition until a follow-up headquarter's review has confirmed improvements are effective.

### B. Award Levels

For those sites that demonstrate the effective use of challenging goals, as well as significant mentoring and community outreach efforts, the award level shall be determined as follows:

**Superior Star:** "Superior Star" sites should approach a recordable incident injury rate that is 50 percent better than the average of other U.S. businesses in the same industry code;

**Star of Excellence:** "Star of Excellence" sites should approach a recordable incident injury rate that is 75 percent better than the average of other U.S. businesses in the same industry code; or

**Legacy of Stars:** Those sites that would have achieved the "Star of Excellence" for a fourth consecutive year may be awarded the "Legacy of Stars" in lieu of a fourth "Star of Excellence". However, DOE shall only award the Legacy of Stars if it has performed a triennial review in one of those 4 years.

**C. Individual Awards**

In an effort to recognize individuals that have gone above and beyond the call of duty to advance the message and spirit of DOE-VPP, DOE has established the Federal DOE-VPP Champion Award and the Contractor DOE-VPP Champion Award. These awards recognize those individuals that make significant contributions to the success of the program. Contributions include participation locally or on assessment teams at other sites, outreach activities locally or offsite, participation at the regional or national level, mentoring activities, or other contributions to the success of the DOE-VPP. Contractors and organizations that participate in the DOE-VPP should submit nominees for Champion Awards along with their annual submittals to the Office of Worker Safety and Health Assistance (AU-12).

**D. Other Awards**

The Voluntary Protection Programs Participants' Association, Inc., (VPPPA) annually recognizes VPP participants that excel among their peers for Outreach and Innovation. DOE-VPP sites are encouraged to contact the VPPPA to apply for Outreach and Innovation recognition at the national level.

(<http://www.vpppa.org/Programs/awards.cfm>)

## VI. THE APPLICATION PROCESS

### A. Application Requirements for DOE-VPP

#### 1. Application Instructions

DOE shall maintain application guidelines explaining the type of information submitted for DOE review, and make those guidelines available to all interested parties. DOE-VPP Volume 3: Application contains these guidelines.

#### 2. Application Content

- a. Contractors shall provide all relevant information, as described in the current version of the application guidelines.
- b. DOE shall request amendments when the submitted information is insufficient to determine eligibility for an onsite review. DOE shall allow sufficient time for the contractor to submit the additional materials.
- c. If materials needed to document the health and safety program involve classified information, they shall not be included in the application.

#### 3. Application Submission

Applications may be submitted to a Headquarters DOE-VPP coordinator through AU-12 after review and concurrence by the appropriate DOE Line Management chain. Applicants are strongly encouraged to submit applications electronically when possible. Electronic submissions should be in a commonly used format, and should contain readable text (e.g., Adobe ® Portable Document Format). The use of scripting or HTML formats is discouraged. AU-12 shall retain applications in accordance with *Administrative Records Schedule 22: Audit/Investigative Records*, dated September 2010, Revision 2.

#### 4. Application Withdrawal

Any contractor may withdraw a submitted application at any time. When the contractor notifies DOE of its withdrawal, DOE shall return the original application to the contractor.

DOE may keep a copy of the application for 1 year before discarding it, in case the contractor raises questions concerning its handling. Once a contractor withdraws an application, it shall submit a new formal application if it wishes to reapply.

### B. Qualification Verification

#### 1. Initial Review

An initial review of the application is necessary to determine whether the contractor has submitted all required information. If needed, DOE shall give the contractor the opportunity to amend the application as described in Volume 1, Section V.A.2.b. If the information indicates that the contractor's program qualifies for DOE-VPP, DOE shall schedule an onsite review.

#### 2. Onsite Reviews

The onsite review conducted by a DOE-led and appointed team is a performance review of the site's health and safety program. It verifies the information supplied in the application demonstrating qualification for DOE-VPP, identifies the strengths and weaknesses of the site's health and safety program, determines the adequacy of the health and safety program to address the potential hazards of

the site, and obtains information to assist the Associate Under Secretary for Environment, Health, Safety and Security (AU-1) in making the approval decision.

- a. **The Onsite Review Team.** DOE shall arrange the review at the mutual convenience of the team leader and the contractor. The team shall consist of a team leader and health and safety professionals as required by the size and complexity of the site.
- b. **Duration of the Review.** The time required for the onsite review shall depend on the size of the site, the number of employees, and the complexity of the program.
- c. **Content of the Review.** All onsite reviews shall include verification that the contractor has implemented its health and safety program described in the application, and a general assessment of health and safety conditions to determine whether the program is adequate for the hazards of the site.
  - (1) **Review of Program Documentation.** Onsite document review shall include the following records (or samples of them, selected by the Onsite Review Team), if they exist and are relevant to the application or the health and safety program:
    - (a) Written health and safety program, including any health and safety manuals;
    - (b) Management statement of commitment to health and safety;
    - (c) The OSHA 300 log for contractor or subcontractor operations and any subcontractor operations under the contractor's control;
    - (d) Procedures for employees to notify managers of health and safety problems, and managers to document response actions;
    - (e) Safety rules, emergency procedures, and examples of safe work procedures;
    - (f) The system for enforcing health and safety rules;
    - (g) Self-inspection procedures, reports, and correction tracking;
    - (h) Accident/incident investigations;
    - (i) Health and safety committee minutes;
    - (j) Employee orientation, training syllabuses and safety training programs and attendance records;
    - (k) Industrial hygiene monitoring records;
    - (l) Documentation concerning routine hazard analysis, such as Job Hazard Analyses, Job Safety Analyses, and Process Hazard Analyses;
    - (m) Preventive maintenance program;
    - (n) Line accountability documentation, such as performance appraisals (held confidential);
    - (o) Subcontractor health and safety programs, if any;
    - (p) Annual health and safety program evaluations and audits performed by site, corporate, or third party personnel, and documented follow-up; and
    - (q) Other records that document qualifications for these programs.
  - (2) **Interviews.** The review shall include interviews with individuals, such as members of joint safety committees, management personnel, and randomly selected nonsupervisory personnel.



- (3) **Site Tour.** The review shall include a site tour to survey conditions and view the program in operation.
- (4) **Work Observations.** The review shall include directly observing work activities to ensure the organization adequately implements policies and work control processes.

**3. Application Approval**

- a. **Deferred Approval.** If necessary, at the conclusion of the onsite review, DOE shall allow the contractor a reasonable amount of time (up to 90 days) to take action to meet the qualifications before AU-1 makes the approval decision. Where necessary, DOE shall make a second onsite visit to verify the actions taken.
- b. **Application Withdrawal.** If the contractor cannot meet the requirements for participation in DOE-VPP or for any reason does not wish to continue the approval process, DOE shall allow a reasonable amount of time for withdrawal, as provided for in Section V.A.4.
- c. **Application Approval.** If the Onsite Review Team decides that the contractor has met the qualification requirements of DOE-VPP, DOE shall forward a copy of the team's draft report to the contractor for factual accuracy review. A Headquarters DOE-VPP coordinator shall forward the team's report and recommendations, through AU-12, to AU-1 for final approval. Approval shall be effective when AU-1 signs the final letter accepting the team's recommendation.

**4. Application Denial**

- a. If DOE has reviewed the application and asked the contractor for additional or substitute materials, but the contractor has not submitted them in the allotted time, DOE shall give the contractor 30 days to withdraw. If DOE does not receive a withdrawal, DOE shall send a letter from Headquarters to the contractor denying approval. The denial shall be in effect as of the date of the letter.
- b. If AU-1 decides, based on the Onsite Review Team's recommendation, that it should not approve the contractor for participation in the program, AU-1 shall inform the contractor of the denial by letter. The denial shall be in effect as of the date of the letter.

## **VII. POST-APPROVAL ACTIVITIES**

### **A. Post-Approval Assistance**

#### **1. Primary DOE-VPP Point of Contact**

The Primary DOE-VPP Point of Contact (the Site DOE Point of Contact) shall be available in all cases to assist the DOE-VPP participant on request, ensuring a smooth interface with DOE and providing expertise as required.

#### **2. Problem Solving**

If DOE becomes aware of a problem, through evaluations, reviews of injury and illness rates, records of complaints, hazard assessments, accident/incident investigations, reported incidents, or information received from the DOE-VPP participant, the Primary DOE-VPP Point of Contact shall assist the participant in resolving the problem.

#### **3. Significant Organizational Changes or Changes of Contractor**

Whenever DOE or the contractor make significant changes in the managing contractor or in the organizational structure at a participant site, the Primary DOE-VPP Point of Contact shall make an onsite assistance visit to determine the impact of the changes. At its discretion, DOE-HQ may also conduct an onsite evaluation of the situation.

It is imperative that DOE consider the effect on all five tenets of DOE-VPP in the recommendation by the primary point of contact. When there are major contract changes, there may be effects on the senior management structure and personnel, resources to accomplish the mission, changes in mission priority, and/or changes in management systems, policies, and procedures. Further, the new contractor needs the opportunity to demonstrate its leadership and commitment to safety excellence. It is critical to the success of the site's transition and continued VPP participation that the workforce participates in developing changes and commitments that differ from the previous contractor.

By definition, a change in contractor could necessitate retirement of VPP status. However, an incoming contractor may retain interim VPP status for up to a 24-month transition period if they provide a written request to AU to enter transition status within 90 days after assuming the new contract. That request shall include written commitments by both management and labor consistent with the five tenets of VPP. During the 24-month transition process, the contractor shall evaluate the existing VPP and work with employees to identify changes. The contractor shall include employees in implementing any changes. Finally, the contractor shall submit a revised application in a timeframe that enables scheduling of an onsite evaluation by AU-12 within 24 months of the contract transition. Any organized bargaining unit whose endorsement was required for the original contractor may withdraw support for the transition at any time. Such withdrawal shall initiate retirement of the original Star. Similarly, the new contractor may withdraw its request for transition at any time.

As with all VPP applications, the DOE Field Elements (DOE Field Office, DOE Area Office, and DOE Site Office) shall recommend whether AU should schedule an onsite review. For contract changes, the basis for the DOE Field Element's recommendation should include an analysis of major program changes and related contractor actions to assure change areas are consistent with VPP requirements.

**B. Re-evaluation Process**

**1. The Star level**

**a. Purpose**

AU shall re-evaluate participants in the Star level to:

- (1) Determine continued qualification for the Star level;
- (2) Re-evaluate and document results of program participation versus program criteria; and
- (3) Identify problems that could adversely affect continued Star level qualification and determine whether those problems require additional evaluations (*conditional status*).

**b. Frequency**

DOE shall normally review Star level participants triennially, with schedules established by DOE based on operational considerations (contractor transitions, mission changes), staffing levels, site activity, or other concerns. DOE may schedule evaluations more frequently if conditions warrant. DOE shall review TRC rates and DART case rates annually, including a recalculation of the latest 3-year averages.

**c. Measures of Effectiveness**

DOE shall consider the following factors when re-evaluating Star level participants:

- (1) Continued compliance with the program requirements;
- (2) Satisfaction of the participants (including management, employees, and collective bargaining units);
- (3) The nature and validity of any complaints received by DOE;
- (4) The nature and resolution of problems that may have come to DOE's attention since approval or since the last evaluation; and
- (5) The effectiveness of employee participation programs.

**d. Description**

- (1) DOE's re-evaluation of Star level participants shall consist mainly of an onsite visit of a duration and scope similar to the preapproval onsite review described in Section V.B.2.
- (2) Injury and Illness rates for all subcontractors operating under a DOE-VPP participant's control during the re-evaluation period shall be reviewed and compared to the national average for the NAICS describing the most prevalent activity.

**2. The Merit level**

**a. Purpose**

DOE shall re-evaluate participants at the Merit level to:

- (1) Determine continued qualification for the Merit level or approval for the Star level;
- (2) Determine whether adequate progress has been made toward the agreed-upon goals;
- (3) Identify any problems in the health and safety program or its implementation that need resolution in order to continue qualification or meet agreed-upon goals;
- (4) Document program improvements and/or improved results; and

(5) Provide advice and suggestions for possible improvements.

**b. Frequency**

DOE shall typically re-evaluate Merit level participants annually for the duration of the period of approval, unless the participant requests an earlier evaluation to determine whether it meets Star qualifications.

**c. Measures of Effectiveness**

DOE shall consider the following factors in the re-evaluation of Merit level participants:

- (1) Continued adequacy of the health and safety program to address the potential hazards of the workplace;
- (2) Comparison of TRC rates to the specific industry averages;
- (3) Satisfaction of the participants;
- (4) The nature and validity of any complaints received by DOE;
- (5) The nature of the resolution of problems that have come to DOE's attention;
- (6) The effectiveness of the employee participation program; and
- (7) Progress made toward goals specified in the preapproval or the previous evaluation report.

**d. Description**

DOE's re-evaluation of Merit level participants shall consist primarily of onsite visits of a duration and content similar to that described in Volume 1, Section VI.B.1.d.

**3. The Demonstration level**

**a. Purpose**

DOE shall re-evaluate participants at the Demonstration level to:

- (1) Determine continued qualification for the Demonstration level and identify problems that could adversely affect continued qualification;
- (2) Evaluate the special elements being demonstrated and attempt to determine whether there are additional aspects of the participant's program that are major causes of success but are not currently part of the Star level requirements; and
- (3) Determine whether DOE has enough information to warrant changing the Star requirements for this special situation or industry.

**b. Frequency**

Demonstration level participants typically shall be re-evaluated annually. DOE shall review TRC rates and DART case rates annually, including a recalculation of the latest 3-year averages.

**c. Measures of Effectiveness**

DOE shall consider the following factors in the re-evaluation of Demonstration level participants:

- (1) Continued adequacy of the health and safety program to protect employees from potential hazards of the worksite;
- (2) Satisfaction of the participants;
- (3) Ability to demonstrate factors of interest that are the basis for the approval;

- (4) The nature and validity of any complaints that have come to DOE's attention; and
- (5) Effectiveness of the employee participation program.

d. **Description**

DOE's re-evaluation of Demonstration level participants shall consist primarily of onsite visits similar to that described in Section VI.B.1.d.

**C. Termination or Post-Approval Withdrawal**

**1. Reasons for Termination**

- a. Completion of covered construction work at a site shall terminate construction approval.
- b. Any management change that eradicates or significantly weakens the health and safety program may result in DOE termination of the approval.
- c. The participating site management may terminate participation for any reason.
- d. Representative(s) from any duly authorized collective bargaining unit whose concurrence was required for a contractor to participate in DOE-VPP may request at any time that DOE terminate the contractor's participation.
- e. DOE may terminate a contractor's participation for cause.

**2. Cause for DOE Termination**

a. **Star level**

DOE shall terminate a contractor's participation when:

- (1) DOE identifies a significant failure to maintain the health and safety program in accordance with the program requirements; or
- (2) The contractor has not sufficiently rectified a major slippage in program quality requiring a 1-year conditional approval to bring the site back to Star quality; or
- (3) The contractor is deliberately underreporting accident/injury or illness data, or suppressing employee reporting of accidents or injuries.

b. **Merit level**

DOE shall terminate a contractor's participation when:

- (1) DOE identifies a significant failure to maintain the health and safety program in accordance with the program requirements; or
- (2) The contractor has made no significant progress towards the Star level goals; or
- (3) The contractor is deliberately underreporting accident/injury or illness data, or suppressing employee reporting of accidents or injuries; or
- (4) The term of approval expires.

c. **Demonstration level**

DOE shall terminate a contractor's participation when:

- (1) DOE identifies a significant failure to maintain the health and safety program in accordance with the program requirements; or

- (2) DOE is convinced that continued participation is unlikely to result in inclusion in the Star level; or
- (3) The contractor is deliberately underreporting accident/injury or illness data, or suppressing employee reporting of accidents or injuries; or
- (4) The period of approval expires.

**3. Notification**

DOE shall provide the participant and other relevant parties 30 days' notice of intent to terminate participation, unless

- a. Other terms for termination were agreed upon before approval;
- b. A set period for approval is expiring, or construction has been completed; or
- c. DOE determines that there is imminent danger to employees due to hazards the participant refuses to correct, and immediate corrective action is required.

**4. Post-Approval Withdrawal**

Upon receipt of notice of intent to terminate, or for any other reason, a participant (except under the conditions described in Section VI.C.3.c) may withdraw from DOE-VPP by submitting written notification to the Primary DOE-VPP Point of Contact.

**D. Reinstatement**

- 1. Re-instatement requires re-application.
- 2. DOE shall not consider re-application from contractors or subcontractors terminated for cause for 5 years following termination.