



# U.S. DEPARTMENT OF ENERGY VOLUNTARY PROTECTION PROGRAM

## Part I: Program Elements



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# DEPARTMENT OF ENERGY

## VOLUNTARY PROTECTION PROGRAM

### Part I: Program Elements

#### 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 identifies areas where DOE contractors and subcontractors can go beyond compliance with DOE safety regulations, which involve OSHA standards. The program encourages the creative stretch for excellence through systematic approaches and cooperative efforts involving managers, employees, and the Department at DOE sites.

DOE-VPP is designed to apply to all contractors in the DOE complex and encompasses production facilities, research and development operations, and various subcontractors and support organizations. Requirements for participation are based on comprehensive management systems, with employees actively involved in assessing, preventing, and controlling the potential health and safety hazards at the site.

In keeping with the OSHA VPP philosophy, participation in DOE-VPP is strictly voluntary. Additionally, any participant may withdraw from the program at any time.

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

##### B. Purpose of the Formal Recognition Programs

DOE has long recognized that compliance with OSHA standards and DOE Orders cannot by itself 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 will 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 which are simply 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, which are 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, in which health and safety problems can be approached cooperatively, as long as DOE is convinced that the contractor or subcontractor is acting in good faith.

By approving an applicant for participation in DOE-VPP, DOE recognizes that the applicant is in compliance 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 will provide participating contractors with additional avenues to work with the Department in the resolution of health and safety problems. Each approved site will have a designated DOE staff person to handle information and assistance requests from DOE contractors.

### **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 which are normally reportable under DOE Orders and policies (e.g., emergencies, unusual occurrences, and off-normal events, noncompliances, violations) will be handled in accordance with specified DOE procedures;
3. All fatalities and catastrophes at DOE-VPP approved sites will be handled in accordance with specified DOE procedures; and
4. Incentive programs offered to workers by the contractor will 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 programs, with names and functions similar to those in OSHA's VPP. These programs are Star, Merit, and Demonstration.

The Star Program is the core of DOE-VPP. This program is aimed at truly outstanding protectors of employee safety and health. A participant in the Star Program must be a model for other members of its industry and other DOE contractors and subcontractors. Because this is a living, continuous improvement program, participants cannot allow their efforts to stagnate. Approvals are not limited to set time periods, but they are subject to triennial re-evaluation by DOE to ensure that Star status is still warranted.

The Merit Program 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 applicant contractor agree upon a set of goals and a term of participation (not to exceed five years) during which the contractor is expected to complete the goals. DOE teams will typically evaluate the contractor's progress annually. Once the applicant achieves the Merit goals to DOE's satisfaction, Star Program approval can be granted.

The Demonstration Program is expected to be used rarely. This program allows DOE to recognize existing achievements in alternative situations about which more information is needed before approval requirements for the Star Program can be determined. Approval for the Demonstration Program is for an agreed-upon period of time, not to exceed five 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 applicants in the same type of situation or special industry would apply directly for Merit or Star Program approval.

## **E. Common Features**

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

### **1. Applicant Eligibility**

Under the Occupational Safety and Health Act of 1970, many DOE contractors, including national laboratories operated by DOE, were exempted from enforcement by the Occupational Safety and Health Administration (OSHA) and are therefore not eligible 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 applicant's control at the given site must 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 must 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 will necessitate withdrawal by all the participants.

## 2. Assurances

Applications for participation in DOE-VPP must be accompanied by certain assurances describing what the applicant will do if the application is approved. The applicant must ensure the following:

- a. All requirements for DOE-VPP participation will be met and maintained;
- b. The DOE-VPP will be explained to all employees, including newly hired employees when they reach the site. Such explanation will specifically include employee rights under the program;
- c. All hazards discovered through any assessments, investigations, reports, or maintenance will be corrected in a timely manner. Interim protection shall be provided in the meantime;
- d. In preventing or controlling hazards, removal of the hazard shall be 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 employees are given health and safety duties as part of the applicant's health and safety program, the applicant will 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, protection of personally identifiable information, or other lawful or demonstrably appropriate considerations);
- g. The information listed below will be available for DOE review during the approval process and for the period of time between re-evaluation visits and the final DOE decision. (NOTE: Records will be examined in accordance with all contract stipulations and with all laws relating to personal privacy.)
  - (1) Written health and safety program in accordance with 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 will 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) Applicants for the Merit and Demonstration Programs must provide assurance that any data necessary to evaluate achievement of individual goals not listed above will also be made available to DOE; and
- (14) Each year, by February 15, the participating site will provide the Primary DOE-VPP Point of Contact with the site's Total Recordable Case (TRC) rates and Days Away, Restricted or Transferred (DART) case rates, hours worked, the applicable NAICS Code, and estimated average employment for the past full calendar year for the contractor and any subcontractors. The site must also provide a copy of the last annual program evaluation completed (See Volume II, 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) must either sign the application or submit a signed statement indicating support of participation in the program. Without such concurrence, DOE will not approve program participation.

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

No contractor application shall be approved for DOE-VPP participation unless all noncompliances related to worker safety and health have been corrected and cleared through DOE, or the DOE-VPP Onsite Review Team determines that:

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

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

No contractor application shall be approved 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 applicant or participant may modify the program to remove those disincentives before HSS 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 PROGRAM

### A. Purpose

The Star Program is based on the characteristics of the most comprehensive health and safety programs used in a broad range of industries. It seeks to recognize outstanding injury-and illness-prevention programs that have been successful in reducing workplace hazards and to encourage other programs to emulate their success.

### B. Term of Participation

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

### C. Experience

All elements of the health and safety program described in Section II.E must be in place and must have been implemented at a level consistent with Star at least 12 months before Star approval.

### D. Injury and Illness Rates

The applicant's average for both DART case rates and TRC rates for the most recent 3-year period must be at or below the most recent specific industry national average (at the North American Industry Classification System (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.

NAICS codes are submitted with verification by the applicant and are subject to acceptance by DOE. The NAICS code should be selected on the basis of the predominant contractor activity at the site. Where there are any questions, DOE will make the determination on the basis of the relative amounts of time spent on the contractor's or subcontractor's various activities at the site.

### E. Qualifications for the Star Program

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

#### 1. Management Leadership

Management leadership is a key element of obtaining and sustaining an effective safety culture. The contractor must demonstrate senior-level management commitment to occupational safety and health in general, and to meeting the requirements of DOE-VPP. Management systems for comprehensive planning must address health and safety requirements and initiatives. As with any other management system, authority and responsibility for employee health and safety must be integrated with the management system of the organization and must involve employees at all levels of the organization. Elements of that management system must include clearly communicated policies and goals, clear definition and appropriate assignment of responsibility and authority, adequate resources, and accountability for both managers and workers. Finally, managers must be visible, accessible, and credible to employees.

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

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

- (1) **Policy.** There should be a clearly stated policy on safe and healthful working conditions that is communicated 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 the desired results and the planned measures for achieving those results are clearly understood.
- (3) **Planning.** Planning for safety and health must 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, must be a part of the written program.

- (1) **Adequacy.** All aspects of the safety and health program must 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 must be assigned and communicated so that all managers, supervisors, and line employees know what is expected of them.
- (3) **Authority and Resources.** Responsible personnel must have adequate authority and resources to perform the desired tasks. Commitment of necessary resources for workplace health and safety must be documented and must address staffing, space, equipment, training, and promotions. Budget and capital expenditures for health and safety improvements must also be included.
- (4) **Line Accountability.** Managers, supervisors, and employees must be held accountable for meeting their assigned responsibilities, as demonstrated through evaluation of employees at all levels. A functional and operational system for rewarding good performance and correcting deficient performance must be in place.
- (5) **Visible Management Involvement.** Top management involvement in health and safety related activities must be apparent to all employees. This involvement should include establishing clear lines of communication with employees; setting an example of safe and healthful behavior; ensuring that all employees (including subcontract employees and vendors) and visitors in the contractor's controlled spaces have a safe and healthful workplace; and being accessible to employees for health and safety concerns.
- (6) **Site Orientation and General Accountability.** There must be documented programs for orienting all personnel to the hazards and controls to which they might be exposed. All persons operating in contractor-controlled spaces must be held accountable for complying with safety expectations, including subcontractor employees, vendors, consultants, students, and visiting scientists.
- (7) **Subcontractor Employee Coverage.**
  - (a) Applicants must 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) Records of the hours worked and the injuries and illnesses incurred by subcontractor employees while working in the applicant/participant contractor's controlled spaces must

be kept. Rates calculated for such work are expected to be at or below the most appropriate industry average, as reported by the most recent BLS publication.

- (c) Contracts must: (1) specify authority for the oversight, coordination, and enforcement of safety and health programs by the applicant and provide documentary evidence of the applicant's exercise of this authority; (2) provide for the applicant's prompt correction and control of hazards, however detected, in the event that contractors 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 applicant/participant must be able to demonstrate that the above contract provisions have been carried out.
- (8) **Safety and Health Program Evaluation.** The applicant/participant must 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 must provide for an annual, written, narrative report, including recommendations for improvements and documented timely follow-up.
  - (b) The evaluation must 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 must 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 participation is in addition to the individual right to notify appropriate managers of hazardous conditions and practices. All workers must be committed to their personal safety as well as the safety of their coworkers and plant visitors.

- a. Employee participation is in addition to each employee's individual right to notify appropriate managers of hazardous conditions and practices.
- b. Construction applicants.

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

- (1) The labor-management committee must 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 must 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 are rotated through membership frequently enough that all such personnel receive experience on the committee over a reasonable period of time, and have terms long enough to develop sufficient expertise to be of assistance.
- (3) The joint labor-management committee must meet at least monthly, keep minutes of the meetings, and have a quorum consisting of at least half the members of the committee and including representatives of both craft workers and management.
- (4) Hazard assessments by members of the health and safety committee must cover the entire construction worksite as appropriate, but no less frequently than once per month.
- (5) In addition, the joint committee must be allowed to:
  - (a) Observe or assist in the investigation and documentation of 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.
- c. Non-construction Applicants.

In non-construction activities, the employee participation requirement may be met in a variety of ways, as long as employees are able to participate actively and meaningfully in 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 must begin with a thorough understanding of all hazards that might be encountered during the course of work, and the ability to recognize and correct new hazards. There must be a systematic approach to identifying and analyzing all hazards encountered during the course of work, and the results of the analysis must be used in subsequent work planning efforts. Effective safety programs also integrate feedback from workers regarding additional hazards that are encountered, and include a system to ensure that new or newly recognized hazards are properly addressed. Successful worksite analysis also involves implementing preventive and/or mitigative measures during work planning to anticipate and minimize the impact of such hazards.

- a. All planned, new, or newly acquired facilities, equipment, materials, and processes should be analyzed before they are used, to determine potential hazards and to plan for prevention or control.
  - (1) Prejob planning and preparation should be conducted for different phases of activities, such as experiments.
  - (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. Comprehensive health and safety surveys should be conducted by trained and qualified safety and health professionals 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 and safety surveying.
  - (2) Nationally recognized procedures for all sampling, testing, and analysis must be used, and written records of results maintained.
- c. There should be a system for conducting routine, general hazard assessments that follow written procedures or guidance and result in written reports of findings and tracking of hazard correction.
  - (1) For continuous activities, these hazard assessments must be conducted at least monthly and cover the whole worksite at least quarterly.
  - (2) During construction, management hazard assessments shall cover the entire worksite at least weekly.
  - (3) Also in construction, hazard assessments by members of the health and safety committee that cover the entire worksite as appropriate, but no less frequently than once per month, are required.
- d. Routine examination and analysis of hazards associated with individual jobs, processes, operations, or phases of construction must be conducted, and the results must be included 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 must 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 may additionally include oral notification by employees, but in all instances must include written tracking of responses and hazard corrections.
- f. An accident/incident investigation system is in place and includes written procedures or guidance; requires written reports of findings, hazard correction tracking, and identification of causes; and provides for preventive or corrective actions. The system shall also include provisions for a narrative report, suitable for dissemination to all employees, which contains root causes, analysis, and lessons learned.
- g. Trend analyses must 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**

Once hazards have been identified and analyzed, they must be eliminated (by substitution or changing work methods) or addressed by the implementation of effective controls (engineered controls, administrative controls, and/or Personal Protective Equipment (PPE)). Equipment maintenance, PPE, processes to ensure compliance with requirements, and emergency preparedness must also be implemented where necessary. Safety rules and work procedures must be developed, communicated, and understood by supervisors and employees, and followed by everyone in the workplace, to prevent mishaps or control their frequency and/or severity.

- a. Certified Industrial Hygienists, Certified Safety Professionals, Safety Engineers, Fire Protection Engineers, Certified Occupational Physicians, and Certified Occupational Health Nurses must 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) Process and/or material substitution;
  - (2) Engineered controls;
  - (3) Administrative controls; and
  - (4) PPE.
- c. Where administrative controls (including work rules and operating procedures) are adopted, they must 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 must be 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, materials handling procedures, or emergency plans. These procedures must be written, communicated to employees, and used.
- e. There must be ongoing monitoring and preventive/predictive maintenance to prevent workplace equipment from becoming hazardous.
- f. A system must be in place for initiating and tracking hazard correction in a timely manner.
- g. The Emergency Management program must be capable of timely and orderly response actions consistent with applicable requirements.
- h. There must be 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 applicant-controlled spaces during all shifts.

## **5. Health and Safety Training**

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

- a. Managers must 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 must 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, must become aware of hazards and the safe work procedures to follow to protect themselves. Employee responsibilities include using personal protective equipment where required and understanding why it is required, what its limitations are, how to maintain it, and what to do in emergency situations.



### III. THE MERIT PROGRAM

#### A. Purpose

The Merit Program is aimed at DOE contractors that do not yet meet the qualifications for the Star Program but wish to work toward Star Program status. If DOE determines that the employer has demonstrated the commitment and the potential to meet Star requirements, the Merit Program is used to set goals that, once achieved, will qualify the site for participation in the Star Program.

#### B. Term of Participation

Merit Programs are established for specific time periods, not to exceed five years, as agreed upon in advance of approval. The term depends on how much time the applicant is likely to need to accomplish the goals required for Star. Unless an extension is granted by HSS, participation is canceled at the end of the term.

#### C. Qualifications for the Merit Program

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

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

- 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 must have a minimum of three months' experience in providing health and safety hazard assessments before approval.
- b. The elements are not expected to be at the Star level of completeness. Participation in Merit 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 Program, applicants must meet the requirements outlined below.
  - (1) Applicant contractors or subcontractors with DOE site construction operations and less than 12 months of experience must be able to demonstrate that the applicant 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 must 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 for which the application is being made. If either of the average rates is above the most recently published BLS average for the specific industry, the applicant must demonstrate that the methods planned for reducing the rates can do so in a reasonable period of time.
  - (2) If the applicant's operations have existed for 12 months or more, the average rate shall be calculated 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 level), as most recently published by BLS, the applicant must 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 three year average rate for all recordable injuries, or the three year average rate 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 applicant must indicate goals to reduce either or both of those rates and demonstrate that the methods planned to reduce them are feasible. 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 must be set as a goal.

## IV. THE DEMONSTRATION PROGRAM

### A. Purpose

The Demonstration Program 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. The Demonstration Program is not expected to be used with any frequency; it is a tool providing DOE with flexibility in special circumstances.

### B. Term of Participation

Demonstration Programs are approved for specific time periods not to exceed five years. At any time, if DOE believes that the Demonstration Program 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, participation in the program may be terminated.

### C. Qualifications for the Demonstration Program

1. The applicant must have in place a comprehensive occupational safety and health program that includes the basic elements described in Section II.E. It may, however, demonstrate that one or more of the sub-elements is unnecessary or should be different for its unique situation.
2. The applicant's averages for DART case rates and TRC rates for the most recent three year period must 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. NAICS codes are submitted with verification by the applicant and are subject to acceptance by DOE. The NAICS code should be selected on the basis of the predominant contractor activity at the site. Where there are any questions, DOE will make the determination on 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 being demonstrated, DOE will determine if requirements need to be added to the Star Program for participants from this industry or situation.

1. **No Special Requirements Needed.** If no special requirements are needed and DOE 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, it may be directly approved to the Star Program.
2. **Special Requirements Needed.** If DOE decides that special requirements are needed for this type of industry or situation, then DOE must first make the necessary changes and update the DOE-VPP documents. Once the documents have been updated, DOE may determine, without further application or re-evaluation, whether the demonstration site meets the newly revised Star requirements. If so, the demonstration site may be approved directly to the Star Program.

## V. DOE-VPP AWARDS PROGRAM

### A. Contractor Awards

To emphasize the fundamental necessity of continued improvement in the protection of workers, DOE will 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.

This recognition element of VPP is patterned after The Star of 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 to recognize 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.

The DOE program is designed 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 will 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 participants. To be eligible for recognition, the contractor must demonstrate through its annual report that they meet three fundamental criteria:

1. The site must 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 must clearly show the extent and effect of the site's mentoring and outreach efforts; and
3. The site must have calendar year TRC rates and DART case rates that are significantly better than its comparison industry.

Star participants that have been placed in a conditional status as a result of a headquarters review are not eligible for recognition until improvements have been confirmed by a follow-up headquarters review.

### 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 will 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 shall be awarded the "Legacy of Stars" in lieu of a fourth "Star of Excellence". However, the Legacy of Stars award will only be awarded if a DOE HQ triennial review has been performed in one of those four 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 VPP, DOE-VPP 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 off site, 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 (HS-12).

### **D. Other Awards**

The Voluntary Protection Program Participants Association (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**

Application guidelines explaining the type of information to be submitted for DOE review will be kept current and made available to all interested parties. These guidelines are found in DOE-VPP Part III: Application Guidelines.

#### **2. Application Content**

- a. Applicants will be required to provide all relevant information, as described in the current version of the application guidelines.
- b. Amendments will be requested when the submitted information is insufficient to determine eligibility for onsite review. DOE shall allow sufficient time for the applicant 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 HS-12 after review and concurrence by the appropriate DOE Line Management chain. Applicants are 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.

#### **4. Application Withdrawal**

Any applicant may withdraw a submitted application at any time. When the applicant notifies DOE of its withdrawal, the original application will be returned to the applicant.

DOE may keep a copy of the application for one year before discarding it, in case the applicant raises questions concerning its handling. Once an application has been withdrawn, a new formal application must be submitted if the contractor wishes to reapply.

### **B. Qualification Verification**

#### **1. Initial Review**

An initial review of the application is necessary to determine whether all required information has been submitted. If needed, the applicant will be given the opportunity to amend the application as described in Section V.A.2.b. If the information indicates that the applicant's program qualifies for DOE-VPP, an onsite review will be scheduled.

#### **2. Onsite Reviews**

The onsite review conducted by a DOE-led and appointed team is a performance review of the site health and safety program. It is conducted to verify the information supplied in the application demonstrating qualification for DOE-VPP, identify the strengths and weaknesses of the site health and safety program, determine the adequacy of the health and safety program to address the potential hazards of the site, and obtain information to assist the Chief Health, Safety and Security Officer (HS-1) in making the approval decision.

- a. **The Onsite Review Team.** The review will be arranged at the mutual convenience of the team leader and the applicant site. The team will 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 will depend on the size of the site, the number of employees, the complexity of the program.
- c. **Content of the Review.** All onsite reviews will include verification that the health and safety program described in the application has been implemented, 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 will 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 applicant's control;
    - (d) Procedures for employee notification to management of health and safety problems, and documentation of 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 provide documentation of qualifications for these programs.
  - (2) **Interviews.** The review will include interviews with individuals such as members of joint safety committees, management personnel, and randomly selected nonsupervisory personnel.
  - (3) **Site Tour.** The review will include a site tour to survey conditions and view the program in operation.
  - (4) **Work Observations.** The review will include direct observation of work activities to ensure adequate implementation of policies and work control processes.

### 3. Application Approval

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

### 4. Application Denial

- a. If the application has been reviewed and the applicant has been asked for additional or substitute materials but has not submitted them in the allotted time, the applicant will be given 30 days to withdraw. If a withdrawal is not received, a letter from Headquarters denying approval will be sent to the applicant. The denial will be in effect as of the date of the letter.
- b. If HS-1 decides, on the basis of the Onsite Review Team's recommendation, that the applicant should not be approved for participation in the program, HS-1 shall inform the applicant 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) will 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 a problem comes to the attention of the Primary DOE-VPP Point of Contact, through evaluation efforts, review 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 will assist the participant in resolving the problem.

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

Whenever significant changes are made 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 the affect on all five tenets of DOE-VPP be considered in the recommendation by the primary point of contact. When a major contract changes, there will be effects on 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.

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: (1) establish new written commitments by both management and labor consistent with the five tenets of VPP; (2) identify aspects of the existing VPP that will be evaluated for change; (3) develop a formal action plan to transition from the current to the revised (new contract) VPP; and (4) submit a revised application in a timeframe that enables scheduling of an onsite evaluation by HS-12 within 24 months of the contract transition.

As with all VPP applications, the DOE Field Elements (DOE Field Office, DOE Area Office, and DOE Site Office) must provide a recommendation of whether HSS 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 Program

##### a. Purpose

Re-evaluation of participants in the Star Program is intended to:

- (1) Determine continued qualification for the Star Program;
- (2) Re-evaluate and document results of program participation versus program criteria; and

- (3) Identify problems that could adversely affect continued Star Program qualification and determine whether those problems require additional evaluations (conditional status).

**b. Frequency**

Star Programs will normally be reviewed 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. TRC rates and DART case rates shall be reviewed annually, including a recalculation of the latest 3-year averages.

**c. Measures of Effectiveness**

The following factors will be considered in the re-evaluation of Star Program 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 Program participants will 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 Program**

**a. Purpose**

Re-evaluation of participants in the Merit Program is intended to:

- (1) Determine continued qualification for the Merit Program or approval for the Star Program;
- (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 which 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**

Merit Programs will typically be re-evaluated annually for the duration of the period of approval, unless the participant requests an earlier evaluation to determine whether Star qualifications have been met.

c. **Measures of Effectiveness**

The following factors will be considered in the re-evaluation of Merit Program 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 Program participants will consist primarily of onsite visits of a duration and content similar to that described in Section VI.B.1.d.

**3. The Demonstration Program**

a. **Purpose**

Re-evaluation of participants in the Demonstration Program is intended to:

- (1) Determine continued qualification for the Demonstration Program 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 Program requirements; and
- (3) Determine whether DOE has enough information to warrant changing the Star requirements for this special situation or industry.

b. **Frequency**

Demonstration Programs typically will be re-evaluated every year. TRC rates and DART case rates shall be reviewed annually, including a recalculation of the latest three year averages.

c. **Measures of Effectiveness**

The following factors will be considered in the re-evaluation of Demonstration Program 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 Program participants will 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 will 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 that contractor's participation.
- e. DOE may terminate a contractor's participation for cause.

**2. Cause for DOE Termination**

a. **Star Program**

DOE will terminate a contractor's participation when:

- (1) A significant failure to maintain the health and safety program in accordance with the program requirements is identified; or
- (2) A major slippage in program quality requiring a one-year conditional approval is not rectified sufficiently to bring the site back to Star quality.

b. **Merit Program**

DOE will terminate a contractor's participation when:

- (1) A significant failure to maintain the health and safety program in accordance with the program requirements is identified; or
- (2) No significant progress is made toward the goals; or
- (3) The term of approval expires.

c. **Demonstration Program**

DOE will terminate a contractor's participation when:

- (1) A significant failure to maintain the health and safety program in accordance with the program requirements is identified; or
- (2) DOE is convinced that continued participation is unlikely to result in inclusion in the Star Program; or
- (3) The period of approval expires.

**3. Notification**

DOE will 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. Re-application from contractors or subcontractors terminated for cause shall not be considered for a period of five years following termination.