

AFL-CIO

LEGISLATIVE ALERT

September 16, 2025

The Honorable Tim Walberg, Chairman
Ranking Member Robert C. “Bobby” Scott
Committee on Education and Workforce
U.S. House of Representatives
2176 Rayburn House Office Building
Washington, DC 20515

On behalf of nearly 15 million workers and 63 affiliate unions represented by the AFL-CIO, I write to express our strong opposition to H.R. 2844, the Michael Enzi Voluntary Protection Program Act. The AFL-CIO is strongly committed to worker safety and we work closely with our unions to assure workers have adequate protections from harm on the job. This legislation would codify the Occupational Safety and Health Administration’s (OSHA) Voluntary Protection Program (VPP). This program was created by the Reagan administration to recognize companies with good safety and health programs with a commitment to safety and health, but it lacks guardrails to prevent misuse. Codifying it is not only dangerous but it also reduces OSHA’s ability to effectively protect workers. Several problems with this legislation include the following:

Inspection Exemptions:

This bill grants VPP participating sites mandatory OSHA programmed inspection exemptions. This limits OSHA’s discretion as to what kind of oversight is needed— especially in workplaces that fall into high hazard industry sectors that are the subject of OSHA’s enforcement emphasis programs. Programmed inspections are designed to be *preventative*, in alignment with OSHA’s responsibility to prevent injury, illness and death, but this bill would make blanket exemptions permanent, prevent OSHA from adjusting practices with industry changes and emerging hazards, and incentivize underreporting of injuries and illness because it would impact the employer’s ability to stay in the program as a “star” site if its injury rates are too high.

The program has never been independently evaluated and investigations into the program after a fatality or catastrophe at VPP sites have shown significant problems—failure to implement recognized safety practices, inadequate inspections and training, lack of adequate protective gear, unguarded machinery, and improper handling of hazardous chemicals. This has led to workers dying in preventable explosions, chemical releases and crane accidents, asphyxiation, and being pulled into machinery. Bad actors with repeat violations and fatalities also are permitted to stay in the program and continue to receive “recognition” for good safety programs.

Mandatory Budget Allocation and Prohibitions on Fee Collection:

This bill mandates a fixed 5% budget allocation for this program. This would divert limited OSHA resources from core enforcement and investigative activities. With OSHA’s FY 2024 resources, it would already take OSHA 185 years to inspect every workplace just once. Yet, in its current FY 2026 proposal, the House plans to cut OSHA’s budget even more.

At the same time, this bill prohibits the use of any payment to participate in the program that would assist with financial support for the VPP program, limiting OSHA's ability to maintain the program when faced with budget cutbacks, and diverting enforcement resources to VPP and the mostly large, multinational companies VPP serves. Instead, OSHA needs to focus its resources on addressing the worst companies and on its small business compliance assistance programs.


Absence of Union Approval:

Where union VPP sites are successful, it is because there is a local union with accountability mechanisms, true participation of workers and their representatives in safety and health programs, and collective bargaining. Notably, this legislation omits any requirement for workers and their local bargaining unit to approve any VPP site application and for any renewal of their site's status, and omits any criteria for a high level of safety and health performance.

In conclusion, codifying a voluntary program where there is evidence of programmatic failure, serious hazards, injuries and fatalities—even after VPP designation has been awarded—shields employers from its responsibility under the Occupational Safety and Health Act (OSH Act). There is no other federal program that rewards employers for already following the law. The OSH Act already gives OSHA legislative authority to operate the VPP program; additional legislation is not needed. Safety and health legislative efforts should be directed at expanding OSHA coverage to public sector workers, strengthening whistleblower protections and enhancing enforcement for violations which result in injury and death.

For these reasons, the AFL-CIO urges you to oppose H.R. 2844.

Sincerely,

A handwritten signature in black ink, appearing to read "Jody Calemine".

Jody Calemine
Director, Government Affairs