OSHA Severe Violator Enforcement Program: U.S. Department of Labor Announces Changes to Strengthen Enforcement

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The United States Department of Labor announced in a September 15th news release that it is expanding the criteria for placement in the Occupational Safety and Health Administration's ("OSHA") Severe Violator Enforcement Program ("SVEP").

OSHA states that the purpose of the changes include:

- Strengthening enforcement
- Improving compliance

OSHA developed the SVEP in 2010. Its purpose was described as focusing increased enforcement attention on significant hazards and violations by concentrating on employers who demonstrate indifference to their occupation safety and health obligations through willful, repeated, or failure-to-abate violations associated with a:

1. Fatality or catastrophe situation
2. Industry operations or processes that expose employees to the most severe occupational hazards and those identified as "High-Emphasis Hazards"
3. Exposing employees to hazards related to the potential release of a highly hazardous chemical; or
4. All egregious enforcement actions

The criteria being added to the SVEP includes the following:

- Program placement for employers with citations for at least two willful or repeated violations or who receive failure-to-abate notices based on the presence of high-gravity serious violations.
- Follow-up or referral inspections made one year – but not longer than two years – after the final order.
- Potential removal from the Severe Violator Enforcement Program three years after the date of receiving verification that the employer has abated all program-related hazards. In the past, removal could occur three years after the final order date.

- Employers' ability to reduce time spent in the program to two years, if they consent to an enhanced settlement agreement that includes use of a safety and health management system with seven basic elements in OSHA's Recommended Practices for Safety and Health Programs.

OSHA intends for the updated program to replace its 2010 Instruction and remains in effect until canceled or superseded.

A copy of the news release can be downloaded here.