

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE UNITED STATES DEPARTMENT OF ENERGY
AND THE
VOLUNTARY PROTECTION PROGRAMS PARTICIPANTS' ASSOCIATION**

I. PURPOSE

This Memorandum of Understanding (MOU) states the understandings between the Voluntary Protection Programs Participants' Association (VPPPA) and U.S. Department of Energy (DOE) under which the parties agree to work cooperatively to address worker safety and health issues on a nationwide basis.

Pursuant to this MOU, DOE and VPPPA have identified broad goals which they jointly agree to pursue to enhance safety and health programs for the national workforce. Cooperative efforts taken under this MOU will provide the framework for future discussions and agreements. Additionally, such joint actions will assist both parties in defining individual responsibilities under the MOU, identifying strategies, and establishing metrics related to mutual goals.

Both VPPPA and DOE recognize that voluntary safety and health programs are unique and separate from traditional requirements and enforcement programs. Further, both parties recognize that voluntary efforts such as these provide a highly effective means for encouraging employers and employees to implement and enhance safety and health programs at their places of employment. Accordingly, VPPPA and DOE are committed to a joint effort to continuously stimulate employers and employees to institute new voluntary safety and health programs and to improve or perfect existing programs.

This partnership will provide a formal, recognized vehicle for both DOE and the VPPPA to contribute their expertise and maximize the use of resources to better serve the citizens of the United States.

II. BACKGROUND

VPPPA, a nonprofit 501(c)(3) charitable organization, is a leader in safety, health and environmental excellence through cooperative efforts among labor, management and government. As part of its efforts to share the benefits of cooperative programs, VPPPA works closely with DOE, the U.S. Department of Labor (DOL), the Environmental Protection Agency, and the state governments that have elected to implement state operated occupational safety and health programs for the benefit of their citizens. In the development and implementation of cooperative programs within these governmental agencies, VPPPA provides expertise in the form of comments and stakeholder feedback on federal and state agency rulemaking, programs and policies. Additionally, it provides interested parties access to association members possessing a wealth of technical expertise, mentoring assistance to interested parties and labor management mediation on safety and health issues for association members. VPPPA also provides comments and

testimony to members of Congress regarding legislation on safety and health issues affecting the Nation.

VPPPA members include over 1,000 companies and worksites that are involved in, or are in the process of applying to, the DOE Voluntary Protection Program (DOE-VPP), the DOL Voluntary Protection Programs and administered by the Department of Labor's Occupational Safety and Health Administration (OSHA-VPP) and state agencies that are developing or implementing cooperative recognition programs.

DOE contributes to the future of the Nation by ensuring energy security, maintaining the safety, security and reliability of the nuclear weapons stockpile, cleaning up the environment from the legacy of the Cold War, and developing innovations in science and technology. The Department now operates numerous preeminent research laboratories and facilities and four power marketing administrations, and manages the environmental cleanup from 50 years of nuclear defense activities that impacted two million acres in communities across the country. The Department has an annual budget of approximately \$23 billion, and at the end of FY 2004 employed 15,237 Federal and 101,765 contractor employees. The Department's overarching mission is to advance the national, economic and energy security of the United States; to promote scientific and technological innovation in support of that mission; and to ensure the environmental cleanup of the national nuclear weapons complex.

The mission of the Office of Environmental, Safety and Health (EH) within DOE, is to provide the corporate leadership, performance goals, assistance, policies, programs and feedback to line programs to enable the Department to excel in mission performance, while achieving excellence in safety and health stewardship. EH is the Department's main internal resource for safety and health and it is headed by an Assistant Secretary appointed by the President and confirmed by the United States Senate. The Assistant Secretary of EH heads an organization that reports to the Deputy Secretary and is autonomous from the other Departmental organizations that have responsibility for operations, facilities and services.

The DOE-VPP is operated for the Department by EH and is intended to promote worker safety and health excellence through cooperative efforts among labor, management, and government at the Department's contractor-operated worksites. DOE has formed partnerships with other Federal agencies and the private sector for both advancing and sharing its VPP expertise and preparing for program challenges ahead. DOE facilities and personnel at both the regional and local levels will utilize this agreement as the authorization basis for regional and local cooperative efforts to enhance programs that influence the safety and health of workers.

The DOE-VPP was initiated in January 1994 to promote improved safety and health performance for protection of workers through public recognition of outstanding programs. For the most part, the DOE-VPP is a mirror image of the OSHA-VPP. However, because of the type and complexity of DOE facilities, the DOE-VPP also includes coverage of radiation protection and nuclear safety issues as well as emergency

management and safeguards and security issues extending well beyond facility boarders. Similar to the OSHA-VPP programs, the DOE-VPP has provided proven benefits to participating sites, including improved labor/management relations, reduced workplace injuries and illness, increased employee involvement, improved morale, reduced absenteeism, and a measurable business value in terms of positive return on investment.

III. OBJECTIVES

Implementation of this partnership will enhance effective, comprehensive safety and health programs throughout the United States. Both VPPPA and DOE are dedicated to improving employee productivity and quality of life by jointly advocating, fostering, and mentoring, voluntary safety and health efforts and programs that provide safe and healthful working environments.

Accordingly, VPPPA and DOE jointly agree to cooperative work toward the successful achievement of the following goals to fulfill the following joint objectives:

- A. Applying industry best practices to government sponsored, voluntary safety and health programs, wherever possible. To the extent possible, DOE and VPPPA will hold regular meetings to determine which best practices can most feasibly be transferred and will take steps to transfer these practices through available means.
- B. Demonstrating the business value of government sponsored, voluntary safety and health programs through the joint collection and publication of data and information that clearly show a business case for such programs and provides information supporting the positive return on investment for safety and health.
- C. Advancing agency partnering and the reduction of stovepipe systems within the Federal government. Specifically, VPPPA and DOE will advocate and support consistency in voluntary safety and health programs through the use of agency-shareable systems and databases that utilize single, uniform files and single registration areas for multiple systems.
- D. Supporting a single, “community” platform for government sponsored voluntary safety and health program data and inputs; a uniform method and system that will be easier for businesses and individuals to use in conducting business with Federal and State governments.

IV. STATEMENT OF AGREEMENT

DOE and VPPPA agree to work in partnership to improve voluntary safety and health efforts that provide safe and healthful working environments. In this regard, both parties agree to: (1) work cooperatively to support voluntary safety and health efforts that provide safe and healthful occupational environments for all employees; and (2)

cooperate and assist in the advancement and expansion of internet and computer resources that provide Government services or E-Gov services supporting voluntary safety and health efforts throughout the United States.

V. TERM OF AGREEMENT

This MOU will commence 90 days from the beginning of the last date the document is signed and run for a term of five (5) years. The MOU will be reviewed at the end of the five-year term by the parties and, may be updated at the time of renewal or at any time prior to renewal by mutual agreement. The MOU may be renewed or amended by a letter signed by the respective parties.

VI. TERMINATION

Either party may terminate this MOU at any time by notifying the other party in writing of its decision. Termination of the MOU shall be effective thirty (30) calendar days after receipt of the letter by the other party. Both parties shall use their best efforts to solve any problems between the parties regarding implementation of the MOU.

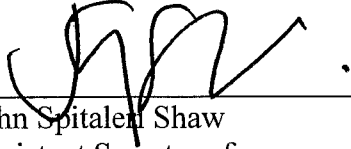
VII. OTHER LAWS AND MATTERS

This MOU in no way restricts either of the parties from participating in any activity with other public or private agencies, organizations or individuals.

Neither party may represent the views of the other without receiving written consent to do so prior to any such representation. This MOU is neither a fiscal nor a funds obligation document. Presently, no transfer of funds between the parties is contemplated but should funding commitments arise in the program contemplated by this MOU, such commitments, on DOE's part, are subject to the availability of appropriated funds and, VPPPA's part, VPPPA's budget. Nothing in this MOU authorizes or is intended to obligate the parties to expand, exchange, or reimburse funds, services, or supplies, or transfer or receive anything of value.

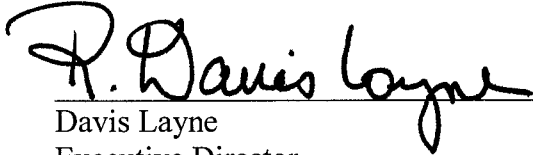
This MOU is strictly for internal management purposes for each of the parties. It is not legally enforceable and shall not be construed to create any legal obligation on the part of either or any third party. This MOU shall not be construed to provide a private right, benefit, or cause of action for or by any person or entity.

VIII. APPROVAL & AUTHORIZATION



John Spitaleri Shaw
Assistant Secretary for
Environment, Safety and Health

Date: 7/11/05



Davis Layne
Executive Director
Voluntary Protection Programs Participants Association

Date: 7/11/05