

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

Labor & Employment Law Update

By Matthew Horn on December 15, 2022

To strengthen enforcement and improve compliance with workplace safety standards and reduce worker injuries and illnesses, the U.S. Department of Labor is expanding the criteria for placement in the Occupational Safety and Health Administration's Severe Violator Enforcement Program ("SVEP").

The Severe Violator Enforcement Program started back in 2010 to catch employers who willfully or repeatedly violate federal health and safety laws and places employers onto the publicly posted Nation's Severe Violators list. Employers on this list are subject to more frequent and rigorous inspections to ensure they are in compliance, which typically leads to a cycle of more citations and remaining on the SVEP for longer—or indefinitely.

OSHA has released a set of new criteria to be placed into the program that focuses on repeat offenders in all industries by broadening the program's scope, amongst other things. The new SVEP criteria includes:

- 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 inspections between one and two years after the final order for employers on the SVEP.
- Potential removal from the Program three years after verification of abating all program related hazards.
- Employers ability to reduce time spent in the Program to two years if they consent to an enhanced settlement agreement.

The expanded scope of the SVEP will result in more employers than ever landing in the SVEP, which is something no employer wants.