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OSHA Docket Office,  
Docket No. OSHA-2015-0018,  
Technical Data Center, Room N-2625,  
OSHA - U.S. Department of Labor,  
200 Constitution Ave. NW.,  
Washington, DC 20210

22 February 2016

RE: Comments of the American Exploration & Production Council (“AXPC”) and Independent Petroleum Association of America (IPAA) in Response to the Occupational Safety & Health Administration (“OSHA”) Draft **Safety and Health Program Management Guidelines Docket ID: OSHA-2015-0018**

Dear Docket Clerk:

The American Exploration & Production Council (AXPC) and the Independent Petroleum Association of America (IPAA) appreciate the opportunity to provide comments on the Occupational Safety and Health Administration’s (OSHA) Safety and Health Program Management Guidelines.

The American Exploration & Production Council (AXPC) is a national trade association representing 28 of America’s largest and most active independent natural gas and crude oil exploration and production companies. AXPC’s members are “independent” in that their operations are limited to the exploration for and production of natural gas and crude oil. Moreover, its members operate autonomously, unlike their fully integrated counterparts, which operate in additional segments of the energy business, such as downstream refining and marketing. AXPC’s members are leaders in developing and applying the innovative and advanced technologies necessary to explore for and produce crude oil and natural gas, and that allow our nation to add reasonably priced domestic energy reserves in environmentally responsible ways.

The Independent Petroleum Association of America (IPAA) represents the thousands of independent oil and natural gas explorers and producers, as well as the service and supply industries that support their efforts, that will be the most significantly affected by the actions resulting from this proposal. Independent producers drill about 95 percent of American oil and natural gas wells, produce about 54 percent of American oil, and more than 85 percent of American natural gas.

AXPC and IPAA fully support OSHA’s efforts to revise the Safety and Health Program Management Guidelines (first published in 1989) to reflect modern technology and practices.

However, we believe the statement on Page 8 (“*Incentive programs for workers or managers that tie performance evaluations, compensation, or rewards to low injury and illness rates can discourage injury and illness reporting. Point systems that penalize workers for reporting injuries, illnesses, or other safety or health concerns have the same effect, as can mandatory drug testing after reporting injuries. Effective safety and health programs recognize positive safety and health activities, such as reporting hazardous conditions or suggesting safer work procedures*”) is overly broad and could lead to confusion.

We recommend this note be deleted for the following reasons:

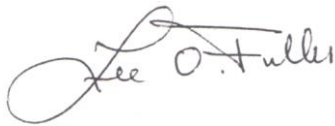
- Properly managed incentive programs – even those based on injury rates – can and do result in positive workplace improvements. For example, AXPC members complete an annual environmental and safety survey that includes the various OSHA-required recordable injury rates. This survey allows AXPC members to benchmark their performance. In some cases, AXPC members use the survey to establish their Company's goals related to injury rates which have an impact on annual performance bonuses. This type of incentive program would not be “encouraging or allowing retaliation or discouraging reporting”. In fact this type of workplace incentive program drives improved performance and is specifically recognized as acceptable by OSHA (refer to OSHA’s 2014 memo entitled “Revised VPP Policy Memorandum #5: Further Improvements to the Voluntary Protection Programs”).
- Likewise, properly managed drug and alcohol testing programs – including those which require post incident testing – are a recognized and accepted element to assuring workplace - as well as public - safety in many industries. For example, the Department of Transportation (DOT) has adopted regulations for drug & alcohol testing which require post-accident testing.

We appreciate the opportunity to provide these comments and look forward to an opportunity to discuss these issues further with OSHA.

Sincerely,



V. Bruce Thompson  
President  
American Exploration & Production Council



Lee O. Fuller  
Executive Vice President  
Independent Petroleum Association of America