



October 28, 2019

Senate Labor and Industry Committee  
Re: Senate Bill 464

Dear Senator,

On behalf of 4,500 locally elected school board members across Pennsylvania, **we request your opposition to Senate Bill 464**, to be considered by the Senate Labor and Industry Committee on October 29, 2019. This legislation would extend OSHA safety rules to public employers, all legal political subdivisions, public schools, public transit systems, and non-profit organizations. PSBA commends the sponsors' interest in protecting the health and safety of public employees, but PSBA cannot support Senate Bill 464 because of the lack of proven need shown through data, the impracticality of applying this law on local government entities and the duplication this would represent of the laws that affect workplace safety in our schools

So far as PSBA is aware, the need for this kind of legislation has not been sufficiently demonstrated by data showing that a genuine workplace safety or health problem exists in the public sector, or that the track record of workplace health and safety in the public sector is any worse than what exists for comparable private sector activities covered by the federal OSHA. There will be a significant cost for implementing this sea change in public sector administration, not only for local public sector employers, but also for the Commonwealth as it assembles a new and expensive bureaucracy and regulatory regime. The significant cost to the Commonwealth and political subdivisions of implementing what Senate Bill 464 proposes will not likely be limited to the short term and should be carefully calculated over the next several decades.

OSHA was not written with public sector workplaces or the performance of governmental functions in mind. We believe it to be an ill-fitting law for the functions of local government entities. Further, Pennsylvania already has numerous workplace safety measures in place that PSBA believes adequately protect our employees. In addition to the regulations implementing the Worker and Community Right to Know Act at 34 PA Code Part XIII, there are numerous other existing state statutes and regulations addressing specific areas of potential danger that apply both to private and public-sector employers.

It is important to note the extensive requirements for implementation of workplace safety programs imposed under Pennsylvania's workers compensation laws and regulations, as seen in the regulations found at 34 Pa. Code Chapter 129, apply both to insured and self-insured employers. Those who are self-insured obviously have a financial incentive to prevent work-related injury and illness, but those that are insured are additionally incentivized by requirements that insurers give substantial premium discounts to employers that meet the safety and loss-prevention criteria. PSBA believes that financial incentives and financial self-interest provide a far better path to doing the right thing for worker safety than a new and expensive regulatory environment.

We appreciate your time and attention to these matters. If you have any questions or concerns, please feel free to contact me at (717) 506-2450 x3337.

Sincerely,

John M. Callahan  
Chief Advocacy Officer