

COMMONWEALTH OF PENNSYLVANIA

HOUSE OF REPRESENTATIVES

LABOR & INDUSTRY COMMITTEE

STATE CAPITOL

ROOM G-50 IRVIS BUILDING

HARRISBURG, PENNSYLVANIA

SEPTEMBER 14, 2016

10:03 A.M.

PRESENTATION ON

HOUSE BILL 1082

BEFORE:

HONORABLE MAUREE GINGRICH, MAJORITY CHAIRMAN
HONORABLE RYAN MACKENZIE, MAJORITY VICE CHAIRMAN
HONORABLE PATRICK HARKINS, ACTING MINORITY CHAIRMAN
HONORABLE SHERYL DELOZIER
HONORABLE CRIS DUSH
HONORABLE SETH GROVE
HONORABLE RICH IRVIN
HONORABLE DAN TRUITT
HONORABLE JUDITH WARD
HONORABLE DANIEL DEASY
HONORABLE MARIA P. DONATUCCI
HONORABLE FRANK FARINA
HONORABLE LEANNE KRUEGER-BRANEKY
HONORABLE DANIEL MCNEILL

1 COMMITTEE STAFF PRESENT:

2 (NONE PROVIDED.)

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P R O C E E D I N G S

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MAJORITY CHAIRMAN GINGRICH: Good morning, everyone. I see we have a full house, almost standing room only. We love that, because that means there's a lot of interest in what we're doing today in this public hearing.

Please know you can expect more members to be coming in; and I will try to, you know, catch out of the corner of my eye who they are and tell you who they are. But in the meantime, we want to get started because we have a lot to cover and a lot to share.

Today's public hearing is scheduled for the purpose of discussing House Bill 1082, and that deals with safety regulations for public employers, and we're all interested in hearing what this bill's intent is, what the content is, and have some discussion on it.

Before we do a roll call vote just to see who's here, not that we're voting, but for the record, couple reminders: I want everybody please to turn their cell phones off. Now's a good time, or anything else that's going to make noise.

1 We are being videotaped, and we'll be
2 playing on PCN, so I want you to be aware of
3 that. And you do have some written testimony, I
4 say to the members. The one that I know of,
5 there's probably maybe more from the Boroughs
6 Association. I see Representative Sheryl
7 Delozier coming in, so our numbers are growing.

8 Let's do the roll call, please, first,
9 Ann.

10 (INTRODUCTION OF MEMBERS.)

11 MAJORITY CHAIRMAN GINGRICH: Okay. Very
12 good. As I told you, they'll be coming in the
13 door, as soon as they get down the highway. So
14 welcome.

15 A couple comments here: Although, I'm a
16 little sad that my Minority Chair,
17 Representative and Chair Galloway is not here
18 today, and I think he was a little under the
19 weather, which is why, which makes me even
20 sadder.

21 But what makes me happy is I have the
22 acting Minority Chair with me today, and that's
23 Representative Patrick Harkins; and, also, he
24 happens to be the prime sponsor of the bill that
25 we're going to discuss today.

1 So at this point, I would like very much
2 for Vicki -- maybe you want to introduce
3 Vicki -- and she's going to give us an overview
4 of the bill. Then I would like Representative
5 Harkins to talk about the genesis of the bill
6 and his reasons for such commitment to it.

7 And then we'll begin with our panel and
8 get a lot of experience from the voices of folks
9 in the trenches.

10 So, Representative Chairman, and Vicki.

11 MS. DILEO: I'm Vicki DiLeo. I'm the
12 Executive Director of the Labor & Industry
13 Committee for the Democratic side.

14 House Bill 1082 creates the Public
15 Employees Occupational Safety and Health Act to
16 establish workplace safety standards for public
17 sector employees that are consistent with
18 Federal Occupational Safety and Health
19 Requirements.

20 The legislation requires all public
21 employers in Pennsylvania, the Commonwealth
22 itself, its public subdivisions, school
23 districts and all instrumentalities and any
24 institutional organization receiving federal,
25 state or local moneys not already covered under

1 the Federal OSHA Law and their employees. They
2 must comply with the Occupational Safety and
3 Health Standards.

4 Under 1820, the employers are
5 responsible for ensuring that employees are free
6 from recognized hazards, provide workplace
7 protections and provide a list of toxic and
8 hazardous substances which the employee may come
9 in contact with.

10 The bill authorizes the Secretary of the
11 Department of Labor & Industry to develop
12 regulations necessary to carry out this act.
13 The Secretary is also responsible for adopting
14 all OSHA standards, amendments and changes
15 adopted or recognized by the U.S. Secretary of
16 Labor.

17 Also, the promulgating and repealing of
18 such regulations necessary to conform with
19 federal OSHA standards providing for the
20 development of state standards where no federal
21 standards are applicable following federal
22 standards regarding products distributed or used
23 in interstate commerce unless required by
24 compelling local conditions. In that case,
25 state standards may be different than federal

1 standards but may not be unduly burdensome to
2 interstate commerce.

3 There is a variance procedure where a
4 public employer is permitted to apply for a
5 temporary record granting a variance from any
6 standard or provision under the act, provided
7 they meet certain criteria.

8 There is a Pennsylvania Occupational
9 Safety and Health Review Board established that
10 has the responsibility of hearing appeals on
11 compliance orders, notices and penalties. The
12 board consists of five qualified persons who are
13 appointed by the Governor and serve four-year
14 terms.

15 Under the bill, there are inspection
16 investigatory powers. The legislation
17 authorizes the secretary or a designated agent
18 to enter, inspect, and investigate any public
19 workplace without advance notice at any
20 reasonable time upon providing credentials.

21 An employee may request an inspection of
22 a workplace if he or she believes that a
23 violation or eminent danger exists by giving
24 notice to the secretary. Whenever the secretary
25 receives a request for inspection, they must

1 determine whether the request is reasonable and
2 it will be inspected as soon as practical. If
3 the secretary determines that there are no
4 reasonable grounds to believe that a violation
5 or danger exists, he or she will notify the
6 employer, employee, or representative of
7 employees in writing of that determination.

8 Whenever the Secretary determines that
9 an employer has violated provisions of this act,
10 he or she may promptly issue a compliance order
11 to the employer. There are enforcement
12 procedures and penalties that can be assessed.
13 Civil penalties that are paid are deposited into
14 the state treasury.

15 Right now there is a state law, the
16 General Safety Law, I believe, the Act of May
17 18th 1937, Act 174 prescribed certain
18 regulations and restrictions concerning the
19 safety and protection of persons in places of
20 employment, including establishments controlled
21 by the Commonwealth and any political
22 subdivision thereof, as well as school
23 districts.

24 Currently, however, there are no
25 OSHA-approved state plans in Pennsylvania, which

1 means that public sector employers are not
2 covered by the same standards as private sector
3 employees are who are covered under federal
4 OSHA.

5 MAJORITY CHAIRMAN GINGRICH: Acting
6 Chairman and prime sponsor, Representative
7 Harkins.

8 REPRESENTATIVE HARKINS: Thank you,
9 Chairwoman Gingrich. I would first off like to
10 thank Chairwoman Gingrich for affording this
11 opportunity. We've been working with the
12 Administration, with the Department of Labor on
13 this.

14 I also would like to thank all those who
15 traveled from Erie this morning to attend this
16 hearing. We have a bus load of people from
17 Erie, and we're glad to have you here today; and
18 a big thank you to all you for traveling. You
19 get to see what we go through each week in that
20 6 or 7-hour drive, on a good week.

21 Also wanted to thank WICU TV in Erie,
22 Lisa Adams, who initiated this and has kept up
23 with it, as well as John Last, who is with us
24 today. Without their help with some of the side
25 investigative things that we've been doing on

1 it, it wouldn't be possible. So, again, we'd
2 like to thank them.

3 This hearing is being held today for
4 House Bill 1082, the Jake Schwab Worker's Safety
5 Bill. Jake Schwab was a mechanic with EMTA,
6 Erie Metropolitan Transit Authority in Erie, PA.

7 On November 4th, 2014, Jake suffered
8 serious injuries while working on a bus at the
9 EMTA facility at 14th & French. It's in Erie.
10 A few days later, on November 9th, Jake
11 succumbed to those injuries.

12 It was a real eye opener for many of us,
13 as we learned that the public sector employees
14 are not covered by OSHA standards in their
15 employment.

16 Having heard of this, myself and a
17 couple other former UPS drivers that I was
18 employed with, followed the news reports and we
19 began doing some of the investigative things on
20 our own, as I said, with WICU, the process of
21 introducing legislation that would introduce
22 this. It was just a travesty and an injustice,
23 from what we could find.

24 What an eye opener once we got into it,
25 not only the safety aspects involved; but also

1 during and after the investigations, the
2 insurance companies are not obliged to share any
3 information with the survivors or the family
4 members about what was uncovered related to the
5 incidents.

6 What a far cry from when I worked at
7 UPS. We had safety drilled into us morning,
8 noon, and night and it was always the insurance
9 aspect of it, if you do this, it's going to
10 cause the shares of stock to drop and the
11 insurance companies are going to clobber us.

12 Always stood in my mind. Always stood
13 out that, how could you have such a contrast
14 from public and private? We also lost another
15 public sector worker, Tyler Cavato. We're
16 coming up on the anniversary of that.

17 Tyler was kind of a hometown hero, a
18 great sports athlete, played football for
19 McDowell and professional football a little bit.
20 But he was 23 years old and he was a Municipal
21 Waste employee with Erie, the City of Erie.

22 He was crushed while he was on his route
23 one evening; and again, it was the TV station
24 the next morning that called me related to this
25 bill. And I knew the Cavato family somewhat and

1 was saddened to hear it and kind of shocked as I
2 heard what unfolded with that. Many say that if
3 this bill was in place at that time we may not
4 have had these two, as well as I think it was
5 180 other incidents across the state.

6 I have received calls from people around
7 the state anonymously alerting me to things and
8 I try and put people in touch with who may be
9 able to help them out along the way and address
10 some of their concerns and hopefully catch it
11 before it becomes a serious injury or a death.

12 Again, I'll cut it short there, because
13 we have some great testimony coming up. But I
14 just, again, really appreciate everybody's help.
15 I appreciate the members showing up for this
16 hearing. We're in session next week and we only
17 have a few more session days left, so the
18 potential for this running and passing really
19 realistically isn't there; but I intend to
20 reintroduce it after the first of the year and
21 get going on it.

22 I would like to thank John Renwick with
23 the Amalgamated Transit Union in Erie. He's got
24 a bus load of people that came down on their
25 own, did this on their own. Again, thank you

1 for everything.

2 MAJORITY CHAIRMAN GINGRICH: Thank you.
3 Thank you. We're all interested in hearing more
4 about this topic. Before we get into our first
5 panel, I do want to acknowledge, as you said,
6 thank you to the members. A few more came in.
7 So Representatives Donatucci, Grove, Mackenzie
8 and Farina came in that I caught. Is there
9 anyone else?

10 Well, while it seemed sparse when we
11 started, you can see that people are going out
12 of their way to get here today.

13 Our first panel would be representation
14 of public employees perspective, and we have --
15 are we going to bring all five up at one time?
16 Okay. And I think there's seating for five up
17 here.

18 And that will be John Renwick, we talked
19 about him, President and business agent for ATU
20 Local 568. Please come up. Tiffany Schwab,
21 wherever you are, she's the widow of Jake
22 Schwab. Rick Bloomingdale's here. He's the
23 President of the Pennsylvania AFL-CIO.

24 Bill Dando is here. I saw Bill earlier.
25 He's a Legislative Director for AFSCME, Council

1 13. And Barbara Rahke, she's the Executive
2 Director of the Philadelphia Area Project on
3 Occupational Safety and Health. And I know that
4 we're going to have some PowerPoints and we have
5 some technical video type things. Okay. But
6 first I believe we'll hear from John Renwick and
7 then we'll go from there.

8 Okay. You're on. Yeah, we'll need a
9 mike. Please pass the mikes, if you can do
10 that. They should have chords long enough
11 enough. This room's supposed to be equipped.
12 Very good. Just pull it as close as you can.
13 Thank you.

14 MR. RENWICK: Can you hear me?

15 MAJORITY CHAIRMAN GINGRICH: Yeah.

16 MR. RENWICK: Thank you, Madam Chair,
17 and other distinguished members of the
18 Committee. My name is John Renwick. I work for
19 Erie Metropolitan Transit Authority, EMTA, in
20 Erie.

21 I've been a bus operator for 28 years,
22 and I currently serve as the President and
23 business agent for the Amalgamated Transit Union
24 Local 568. Our international union and experts
25 on this panel have submitted testimony about

1 House Bill 1082 and why it is critical to
2 provide OSHA protection to public sector
3 workers.

4 You all have my statement with you.
5 There's one correction on the time. It was
6 10:45, a typo. I'm going to bypass reading that
7 in respect for family members.

8 MAJORITY CHAIRMAN GINGRICH: Thank you.
9 You did my job. I was going to say, please, if
10 you've submitted written testimony, we do have
11 that, and please summarize as best you can so we
12 can keep it within five minutes. Then we'll be
13 able to take questions. Thank you so much,
14 John.

15 MR. RENWICK: Jake was my friend, my
16 hunting buddy and my coworker. As you know, he
17 was tragically killed in our bus garage. And I
18 know in my heart that this tragic accident could
19 have been avoided if we would have had some sort
20 of OSHA regulations involved.

21 Jake made sure the buses were safe for
22 the drivers and the citizens of Erie,
23 Pennsylvania. He was a dedicated employee and
24 family man. But who was there for Jake and all
25 the other public sector employees?

1 Nothing will bring Jake back to us, but
2 bringing OSHA's health and safety standards into
3 the public workplace will bring conformity to
4 all citizens in this great state of
5 Pennsylvania.

6 I am here to urge you to review this and
7 to vote for this legislation. There's nothing
8 that's going to bring Jake back with all the
9 other lives that we have lost in the workplace
10 accidents, trying to provide for themselves and
11 their families.

12 In closing, thank you for allowing me to
13 speak; and I want to show you what we lost and
14 what Pennsylvania has lost with a few videos.

15 MAJORITY CHAIRMAN GINGRICH: Okay.
16 We'll wait for the videos to play.

17 (SHOWING VIDEOS.)

18 MAJORITY CHAIRMAN GINGRICH: Thank you.
19 John, did you have any more you wanted to add
20 before we move on?

21 MR. RENWICK: I'll just say one more
22 thing to the Committee, if you'll give me a
23 couple of seconds. This (indicating) red rag
24 represents Jake Schwab as a mechanic and all the
25 other employees in the state of Pennsylvania,

1 the hard-working people that just want to come
2 home to their families.

3 Thank you, Committee.

4 MAJORITY CHAIRMAN GINGRICH: Thank you,
5 John. Mrs. Schwab, are you prepared to be next?

6 MS. SCHWAB: I'll do my best.

7 MAJORITY CHAIRMAN GINGRICH: God bless
8 you. Thank you for sharing the videos. The
9 last one was very personal. And thank you for
10 that, but you certainly know that your husband
11 loved you.

12 MS. SCHWAB: Yes.

13 MAJORITY CHAIRMAN GINGRICH: That's a
14 very good feeling. Okay. Please share with us.

15 MS. SCHWAB: Good morning. I am Tiffany
16 Schwab, the widow of Jake Schwab, a 48-year-old
17 mass transit bus mechanic that didn't deserve to
18 lose his life so tragically to a work-related
19 accident.

20 Prior to the accident, he was a 27-year
21 Class A mechanic who had extraordinary skills
22 and who you could count on to get the job done
23 every time. On November 4th, 2014, I received a
24 call from EMTA personnel at approximately 11:00
25 a.m. It was a phone call that I will never

1 forget and that changed my life in such a
2 horrific way. From that moment on, the things
3 his family and I had to go through were almost
4 unbearable, as I'm sure others who have lost a
5 loved one can understand.

6 I remember there was one thought that
7 repeatedly entered my mind for the days to
8 follow, not now, not this way. That statement
9 continued to haunt me for a while. I decided
10 that I needed to do whatever I could to make
11 this right in some way.

12 I searched for answers to try to grasp
13 what had just happened to us. While working on
14 a bus, Jake was forced to improvise due to the
15 lack of proper equipment and faulty equipment.
16 The bus shifted and part of the air-ride
17 suspension flew out and struck Jake in the head.

18 After five days in the hospital hanging
19 on to every bit of hope we could, Jake died as a
20 result of his head injury. For me, I knew he
21 had died on the floor of an EMTA garage. The
22 more I tried to understand what happened, the
23 more I saw there were flaws in the system.

24 That's why OSHA needs to have the
25 authority over public entities and not just the

1 private sector. The events that led up to the
2 accident could have been prevented. Why was
3 Jake's life cut short when he had been at the
4 happiest point of his life? We were together
5 for ten years. We just built a house in March
6 of 2012 and just got married in September of
7 2012.

8 I remember thinking, we only got to
9 celebrate two anniversaries. Anyone that knows
10 Jake, knows that he was full of life and was
11 always there when anyone needed him. No one can
12 ever replace Jack and no one can fix the loss
13 that we feel. He was an only son, a brother, an
14 uncle, a true friend, and a beloved husband.

15 After the accident, all I could think
16 about was that no one should ever have to go
17 through the pain his family and I went through.
18 It wasn't supposed to happen and not that way.

19 But this isn't just about Jake. It's
20 about the safety of all employees. Please make
21 all workplace organizations a safe environment
22 for everyone by voting for this bill named after
23 my last husband that the union has worked so
24 hard to create and that Pennsylvania
25 Representative Pat Harkins endorses. After all,

1 don't you expect your loved one to come home
2 from work just like I did?

3 Thank you for the opportunity to speak
4 to you today. Let's all be a part of a very
5 needed change where everyone is safe and
6 everybody's life matters. Vote for House Bill
7 1082.

8 MAJORITY CHAIRMAN GINGRICH: Thank you
9 very much, Mrs. Schwab. We really appreciate
10 you being here and the effort you're making
11 toward preventing things like this from
12 happening in the future.

13 Next we'll hear from Rick Bloomingdale.

14 MR. BLOOMINGDALE: Thank you, Madam
15 Chairwoman. And, you know, after listening to
16 John and Mrs. Schwab, I just felt like, well,
17 what else needs to be said? This is about
18 lives.

19 I'll mention some statistics in my
20 testimony; but every one of these statistics is
21 somebody's wife, somebody's husband, somebody's
22 father, somebody's daughter, somebody's son,
23 somebody's mother. Every one of these
24 statistics is a person. And I think ATU and
25 Mrs. Schwab have made that very, very clear this

1 morning.

2 And I'm sure Bill will talk about some
3 of the state employees that have lost their
4 lives; but, you know, this is a long time
5 coming, this bill. I remember I first testified
6 on public employee OSHA in 1991 before the House
7 Labor and Industry Committee, and countless
8 lives have been lost since then. And sometimes
9 I kick myself for not pushing it harder;
10 although, ultimately, it's in your hands not
11 ours. We can only bring the information to you
12 and would hope that you would deal with that
13 information as you see fit.

14 But I am Rick Bloomingdale, and I'm the
15 President of the Pennsylvania AFL-CIO and I'm
16 here today on behalf of the affiliated labor
17 organizations representing over 800,000 working
18 men and women.

19 And again, thank you for this
20 opportunity to present testimony regarding House
21 Bill 1082, the Jake Schwab Worker Safety Bill,
22 fundamental right of all employees to work in an
23 environment that is safe.

24 In 1970, Congress enacted the
25 Occupational Safety and Health Act to assure

1 safe working conditions for working men and
2 women by setting and enforcing standards and by
3 providing training, outreach, education and
4 assistance.

5 Since the Occupational Safety and Health
6 Act's inception, dramatic improvement in
7 workplace safety has transpired. Accurate
8 statistics were not kept at the time of the
9 passage of OSHA, but approximately 14,000
10 workers had lost their lives in 1970.

11 And even though US employment has
12 virtually doubled and now there's over 130
13 million workers at more than 7.2 million work
14 sites, the results have been astounding.

15 And by 2009, the yearly number of
16 workers had fallen to 4,340. That's 4,340 too
17 many, but progress has been made. Over the same
18 period of time, the rate of reported serious
19 workplace injuries and illnesses has declined
20 from 11 per hundred in 1972 to 3.6 per 100
21 workers in 2009.

22 Suffice it to say, that OSHA safety and
23 health standards have prevented countless
24 work-related injuries, illnesses, and death. It
25 has been a success story.

1 The need to expand these protections is
2 imperative. The Commonwealth and its political
3 subdivisions employ over a half a million
4 workers. Many of these public employees perform
5 jobs comparable to those performed by the
6 private sector counterparts.

7 And just one example: You can be in an
8 area that has -- one part of it has private
9 sector, like Waste Management hauling trash, and
10 the other part has the city hauling trash; and
11 those trucks will be passing each other on a
12 highway.

13 One of those workers has incredible
14 protections in safety briefings every morning,
15 the other one does not, unless that city has
16 taken it upon itself to implement its own safety
17 standards.

18 And many times, our local governments
19 cry it's too expensive, we don't have time, we
20 don't know how sometimes. They haven't had the
21 training from OSHA. So those are the kinds of
22 examples that -- public sector is not that
23 different. You got a highway worker in the
24 public sector, you got a highway worker in the
25 private sector. One has protections, one

1 doesn't. Those are the kinds of things we would
2 like to extend to our public sector workers.

3 The upshot is that there are two
4 standards for employee safety. I just mentioned
5 those. This needs to change. Representative
6 Harkins bill does just that. It provides for
7 safe workplace protections for the state's
8 public sector employees, similar to those that
9 OSHA provides to private sector employees.

10 Under this legislation, benefits
11 accruing to the state employees may be obvious.
12 That's all public employees. State employers,
13 I'm sorry, stand to gain, may not be as clear.

14 It is constructive to understand that
15 the advantages of this bill is to employers as
16 well. Injuries, illnesses, and deaths in the
17 workplace are costly and financial as well as
18 human terms. Employers lose countless hours of
19 productivity to illness and injuries that a safe
20 workplace could easily reduce.

21 While this is the case in the private
22 sector, it could easily be translated as
23 applying to the public sector. The latest
24 figures from the Bureau of Labor Statistics
25 indicate that lost time injuries are about twice

1 as frequent for public employees as for private
2 sector employees. That alone is a tremendous
3 cost to the public employers and totally
4 preventable.

5 Some years ago, the American Society of
6 Safety Engineers Journal of Safety, Health and
7 Environment Research published an extensive
8 study, a databased evaluation of the
9 relationship between occupational safety and
10 operating performance.

11 The study's conclusions were that good
12 safety is good business. Safety and operating
13 performance measures should be viewed as in
14 concert with each other rather than as competing
15 entities.

16 House Bill 1082 requires the state and
17 its political subdivisions to provide the same
18 type of protection for the employees in the
19 public sector as the federal government requires
20 for Pennsylvania's private sector employers.

21 The Commonwealth ought to promote this
22 plan for the development and enforcement of
23 occupational safety and health standards with
24 respect to public employers and employees and in
25 accordance with Section 18(b) of the

1 Occupational Safety and Health Act of 1970 and
2 the Secretary of Labor and Industry ought to be
3 empowered to promulgate regulations in order to
4 administer and enforce this act.

5 Pennsylvania AFL-CIO strongly supports
6 Representative Harkins House Bill 1082. And one
7 other -- I was talking to our president, Rich
8 Trumka yesterday, and we were talking about this
9 testimony today. And, you know, if folks don't
10 know, he was a mine worker and came out of the
11 mines. And he mentioned how EMSHA is the mine
12 workers safety side of OSHA. But he mentioned
13 that in Australia, you know, everybody says, how
14 can you prevent Black Lung? The dust is in the
15 air. The workers know it going in.

16 But in Australia, they eliminated
17 Black Lung in 1986 and they have not had --
18 until this year, because folks started taking it
19 for granted, they had 18 cases; and they reacted
20 like it was the major health problem in the
21 entire country.

22 But they did it in two simple
23 procedures: They did it with wetting agents to
24 keep the dust down and ventilation to get out
25 whatever dust was floating around so that the

1 workers -- again, they eradicated the Black Lung
2 disease by two simple safety measures, which by
3 the way, has saved the Australian mining
4 industry hundreds of millions of dollars in lost
5 time and in healthcare costs.

6 So it's a win-win situation. Employees
7 are safe; they're healthy; they're not as sick.
8 And as a result, the employer gets increased
9 productivity, a higher morale in the workforce.
10 And when you have employees who love going to
11 work and doing their work safely, you're going
12 to get so much more out of them.

13 So the passage of this bill, it's a long
14 time coming. Representative Harkins, thank you.
15 ATU, thank you for reminding us that this is an
16 incredibly important issue. And thank you,
17 Mrs. Schwab, for your heart-wrenching and
18 emotional testimony, and thank you to the
19 Committee for hearing us out.

20 And I would hope that you would move
21 this bill and at least we could get it through
22 the House before the session ends and start
23 again next year.

24 Thank you very much.

25 MAJORITY CHAIRMAN GINGRICH: Thank you,

1 Rick. We'll move to Bill Dando.

2 MR. DANDO: Thank you, Chairman Gingrich
3 and Vice Chair Harkins and all the members of
4 the House Labor and Industry Committee for the
5 opportunity to address this very important issue
6 of health and safety for public employees.

7 OSHA, OSHA, that's all we're asking for,
8 Occupational Health Safety Administration to
9 protect public employees.

10 My name is Bill Dando. I am the
11 Director of the Political and Legislation
12 Department for the American Federation of State,
13 County, and Municipal Employees, better known as
14 AFSCME.

15 AFSCME Council 13 represents 65,000
16 members in Pennsylvania, of whom 45,000 are
17 employees in the Commonwealth of Pennsylvania
18 and 20-some thousand members who work for
19 various counties, townships, boroughs, cities,
20 authorities, school districts, and nonprofit
21 organizations.

22 The Occupational Health and Safety
23 Administration's mission, OSHA, since 1971 is to
24 assure safe and healthful working conditions for
25 men and women. Some have alleged that OSHA's

1 regulations damage the firm's competitiveness,
2 while others argue that they make workplace
3 safety at a minimal cost to employers and
4 employees.

5 Rick has already quoted some of the
6 things that I wanted to talk about today. I
7 will say that during 2014, the most up-to-date
8 data we have, 16 Pennsylvania state and local
9 government workers lost their lives on the job,
10 which represents a 12.5 percent increase in
11 fatalities from 2013, when 14 government workers
12 lost their lives.

13 During 2014, 177,316 workers were
14 injured or illness cases were reported to the
15 Commonwealth Bureau of Workers' Compensation.
16 The injuries and illness data is based on
17 reports from workers employed by business and
18 government agencies covered by the Pennsylvania
19 Workers' Compensation Act.

20 Workers' injuries and illness is
21 creating an enormous burden on Pennsylvania's
22 economy. During 2014, the Pennsylvania Workers'
23 Compensation System paid 2.9 billion in total
24 compensation to injured and ill workers.

25 Of the 177,316 injuries, 12,376 of them

1 occurred in the public sector. The average cost
2 of each workers' compensation claim is 16,687
3 across all sectors and cost of injury and
4 illness in the public sector totaled 206 million
5 during 2014.

6 Workplace injuries and fatalities cause
7 an enormous amount of physical, financial, and
8 emotional hardship for workers and families and
9 adversely affect the economy.

10 Some state plan OSHAs have taken
11 additional steps to address injuries and
12 fatalities by adopting OSHA's Injury and Illness
13 Prevention Program standards. As a result,
14 employers have experienced dramatic decreases in
15 workplace injuries and often transform workplace
16 culture that leads to higher productivity and
17 quality, reduce turnover, reduce cost, and
18 enhance employee satisfactions.

19 For example, five years after California
20 required employees to have an injury and illness
21 prevention program, there was a net decrease in
22 injuries and illness of 19 percent. In Hawaii,
23 the same kind of program in 1985 netted a
24 reduction of 20.7 percent after five years of
25 their inception.

1 At present, New Jersey, New York, Maine,
2 Connecticut, and Illinois have established a
3 state plan for public employees. Other 21
4 states have other plans in two territories for
5 state, public, and private sector employees. I
6 believe this is very important. In New Jersey,
7 the state plan covers 530,000 public employees.

8 During 2015, New Jersey reported that
9 its office was composed of 30 full-time
10 employees with an operating budget of \$4.7
11 million. Because the federal government state
12 plan OSHA is funded at 50 percent of the cost,
13 OSHA covers -- the feds would cover 50 percent
14 of the cost. The New Jersey state plan cost
15 \$2.3 million.

16 The size and scope of New Jersey's plan
17 is similar to Pennsylvania's plan. Pennsylvania
18 has 590,000 public employees. If Pennsylvania
19 were to adopt a state plan OSHA, it would have
20 an overwhelming positive effect on the lives of
21 its employees.

22 Once established, Pennsylvania would see
23 a dramatic cost in its workers' compensation
24 system, because adopting OSHA is known to make
25 workplace safer and decrease incidents.

1 If Pennsylvania set a goal to reduce
2 workplace industry by just one percent, that's
3 one percent like New Jersey did, the worker
4 compensation system would see an estimated
5 average saving of 2 million per year in public
6 sector, which does not include many of the local
7 government sectors.

8 Pennsylvania should adopt legislation
9 that establishes a state OSHA plan. It's the
10 right thing to do and it will demonstrate
11 Pennsylvania's commitment to occupational safety
12 and health.

13 House Bill 1082 is long overdue, as it
14 was well stated here already, and a much needed
15 piece of legislation. It is time for public
16 employees to receive the proper protection.
17 They should no longer be treated like
18 second-class citizens.

19 They should have the same health and
20 safety protection as the private sector. Let us
21 all work together to pass House Bill 1082 before
22 another tragedy occurs among public sector
23 employees in the Commonwealth.

24 Thank you for your time today. In the
25 back of the packet, as Rick has stated, there is

1 some members, some lives we want to call them
2 members; these are people. These aren't just a
3 stat.

4 From Luzerne County, Correctional
5 Officer, just on July 19th of 2016, a fatality
6 on the job. PennDOT, over 100 PennDOT workers
7 have lost their lives. June 1st, 2014, as I
8 said in the packet, where workers were killed --
9 had a fatality on the Pennsylvania Turnpike.
10 And I believe the last one there is a Fish &
11 Boat Commission where a gentleman died while
12 mowing grass and drowned in a lake when the
13 mower flipped over on him.

14 The last thing there I think that
15 everyone should take a look at is the states
16 where most people work for the government.
17 Pennsylvania is ranked 50th; 50th Pennsylvania
18 is ranked. Only 12.1 percent of the workforce
19 of Pennsylvania are employed in the public
20 sector, the smallest such percentage in the
21 country.

22 Government employment in Pennsylvania
23 has also declined over the last decade, while
24 public sector employees grew .9 percent
25 nationwide, it decreased by 6.4 percent here in

1 the keystone state. That's something to take a
2 look at by everyone.

3 Thank you very much for your time.

4 MAJORITY CHAIRMAN GINGRICH: Thank you,
5 Bill. Now we'll move to Barbara Rahke.

6 MR. RAHKE: Okay. Good morning. Thank
7 you very much for this opportunity. I'm very
8 thrilled to be with all of you, but I'm even
9 more thrilled to be with all of you (LOOKING TO
10 THE AUDIENCE). It's this kind of presence and
11 the passion that gets people to come to speak up
12 and to be present at something like this that
13 makes the changes we need. And that speaks a
14 little bit about the organization I represent.

15 My name is Barbara Rahke. I'm Director,
16 have been Director for 13 years of an
17 organization known as PHILAPOSH, the
18 Philadelphia Area Project on Occupational Safety
19 and Health.

20 We're a nonprofit organization whose
21 sole mission is the advancement of workers'
22 safety and health. We were founded in 1975, so
23 for a small nonprofit who has a very single
24 mission to have lasted all this time, I think is
25 to the credit of the worker activists that we

1 work with in southeastern Pennsylvania primarily
2 who have been so passionately involved in this
3 issue.

4 Our board is comprised of both private
5 sector and public sector workers, so we have
6 teachers, we have SEPTA workers, we have oil
7 workers, we have healthcare workers, and the
8 interaction that unites all of us together is
9 our passion for health and safety.

10 We're very active with all kinds of
11 organizations. Last week -- I go to the monthly
12 building trades health and safety committee
13 meetings also and I was talking to them about
14 the fact that I would be testifying at this
15 today; and they were unaware with every single
16 one of them, whether they were electricians,
17 plumbers, pipe fitters, steam fitters,
18 laborers, none of them knew public sector
19 workers didn't have OSHA rights.

20 It ended up being the major topic of
21 discussion in a meeting that had nothing to
22 really do with that topic, and I think it goes
23 to the fact that people just assume that when it
24 comes to health and safety and the lives and
25 health of workers that there's one level playing

1 field and that there's one standard. I don't
2 think it occurs to people that we have a
3 two-class system and if you're a public sector
4 worker, you're shit out of luck. That's
5 basically what we're talking about.

6 One other thing PHILAPOSH does is,
7 annually we have a worker memorial day program.
8 I think this is our 25th year that we've held
9 it. We get about 300 people every year to our
10 worker memorial day program. This past April
11 our keynote speaker was the Assistant Secretary
12 of Labor for OSHA, Dr. Michaels, who came in
13 from Washington to participate in our program
14 and to go in our procession to Penn's Landing
15 where we read off the names of every worker
16 killed. Generally, we read off about 120 to 150
17 names every year. That's just for our area. I
18 mean, not just Philadelphia, but for the state
19 of Pennsylvania.

20 And we compile a list that we give out
21 every year and, of course, the special people at
22 our program every year are the families of the
23 workers who have been killed on the job or who
24 have suffered from traumatic life-altering
25 injuries.

1 And I emphasize that, also, because
2 although our focus, the thing we can never
3 accept is the deaths that were preventable; and
4 let me say these are always preventable.

5 And I think that's what also gives us
6 hope to always do better, because this isn't
7 something we can't fix. It is fixable, which
8 makes it all the more frustrating, that people
9 lose their lives because we didn't step up and
10 do what needed to be done to help them go to
11 work and come home alive every night or every
12 morning to their families.

13 But there's also injuries that are
14 almost unbelievable. Every year in our worker
15 memorial day program we push 27 year olds in a
16 wheelchair who are paraplegic for life because
17 of a fall that could have been prevented.

18 We deal with families whose loved ones
19 have traumatic brain injuries that have left
20 them unable -- they are condemned for the rest
21 of their life to be unable to care for themselves
22 because of an occurrence at work that was
23 preventable and didn't have to happen.

24 So at our worker memorial day program,
25 we renew our commitment to keeping this from

1 ever, ever, ever happening to one more worker.
2 I'm bringing you just some pictures and some
3 stories. This is Chris (indicating) Trakimas.
4 He died in May of 2016. This is a picture of
5 him with his grandchild. He worked for the
6 school district. He was a member of SEIU
7 Firemen and Oilers. He worked as maintenance in
8 an elementary school. Because of his sacrifice,
9 when a boiler exploded and he suffered burns
10 over 80 percent of his body, he saved the
11 children in that school. And then with his wife
12 by his side, he was in an induced coma for five
13 months in a hospital because of the infection
14 that could not be controlled in his body, and
15 finally his heart gave out and he died.

16 (SHOWING PHOTOGRAPH.)

17 He didn't have to. This didn't have to
18 happen. This man, Bill Sweeney, worked for
19 fleet management for the City of Philadelphia;
20 57 years old; killed on the job August 2012
21 (indicating).

22 Jeffrey Bayers: He worked for the
23 Philadelphia Parking Authority; killed April
24 22nd, 2015. His widow called us last week to
25 see if there's any way she could talk to other

1 widows, because she can't sleep. It's been a
2 year and she has to be in therapy and her entire
3 family is destroyed by it. We connected her
4 with one of our family members, Rosalee Hetrick,
5 who's private sector; her husband worked for
6 Verizon, but they share in common their lives
7 being forever altered and they're now talking to
8 each other and helping each other.

9 This is Mike Dillman. He worked for
10 PennDOT, York, Pennsylvania; he was killed
11 August 22nd, 2011. Joyce Craig-Lewis; killed
12 December 9th, 2014, the first woman firefighter
13 ever killed in the city of Philadelphia.

14 Lieutenant Robert Neary, killed April
15 9th, 2012. Captain Mike Goodwin, killed on
16 April 6th, 2013.

17 (SHOWING PHOTOGRAPHS.)

18 So part of me wonders why we're even
19 here talking about this. Part of me wonders
20 what's wrong with us that we're still debating
21 this issue. There's something wrong about that.
22 But the information is there to help us come to
23 the decision that needs to be made. And however
24 long it takes, as long as we get there, we need
25 to gather the information that is necessary,

1 debate and look at the information that's
2 available to consider how to proceed with this,
3 and then move forward.

4 Just one other thing in terms of -- and
5 I want to get into the cost issue, because I
6 know that's one of the ones that drives this
7 debate and discussion. But people don't realize
8 that these deaths add to poverty in our society.
9 So in addition to the statistics that we can
10 look at and count, in addition to lawsuits and
11 worker comp premiums and all the things that we
12 have to look at, there's another factor that
13 never really gets talked about, the head of
14 OSHA, Dr. Michaels, recently did a white paper
15 on this and that's the fact that these
16 preventable injuries and deaths are driving the
17 poverty up in our country.

18 Chris Trakimas' wife, she had to quit
19 her job to stand by his side. The union is
20 doing a Go Fund Me fundraiser to keep that
21 family from dropping into poverty. That's one
22 story, but it goes on and on and on and on. And
23 so when we talk about cost figures, we also have
24 to be looking at the hidden costs that don't
25 often get discussed.

1 In terms of the cost looking at states,
2 counties, municipalities as a business in terms
3 of looking at the business costs, there are
4 longstanding organizations that have existed
5 forever: The National Safety Council, the
6 Business Roundtable, where this is not even a
7 dispute anymore. It is recognized that worker
8 safety programs and OSHA has reduced costs to
9 employers, big time. So whatever front-end
10 costs that may be experienced in terms of
11 implementing these programs, the savings that
12 come out of these programs more than makes up
13 for the cost upfront.

14 There's a lot that's been studied about
15 it; there's a lot that's been looked at on this.
16 To move forward quickly, because I know we're
17 running out of time, I just want to say that for
18 the Committee moving forward looking at this,
19 that information is available. It can be
20 reviewed and I think analyzed in a way that
21 would help people make a positive decision on
22 this.

23 There was also an amazing study done by
24 the Harvard Business School. They specifically
25 looked at Cal/OSHA, and they approached it by

1 doing inspections, not as a result of an
2 accident or a tragedy, but just inspections; and
3 then following that, looked at the impact to the
4 places where they did inspections to see if
5 enforcement, real enforcement to bring
6 compliance up to where it needed to be cost
7 companies unduly, put pressure on companies,
8 forced them to close, forced them to layoff
9 workers, etc.

10 This was a four-year study. I have --
11 you know, it's easy to pull it up yourself. And
12 what it showed was, there was no downside; and
13 this was a Harvard Business School study,
14 information that I think needs to be looked at.

15 Similarly, the National Safety Council
16 has a whole set of fact sheets, the financial
17 impact. They're well aware of these topics and
18 these issues. And so I would ask the Committee
19 to look at that information and consider it in
20 their deliberations.

21 This is a very emotional issue to me.
22 My organization, we're funded by OSHA. In fact,
23 yesterday the government listing just got up and
24 we got all our new funding. We do fall
25 protection training for small residential

1 construction workers. We have a youth program.
2 We're training teens on safety and their rights
3 and on workplace violence, because a lot of them
4 get jobs in situations where they're subject to
5 that; and we're also going out into the
6 community doing Know Your Rights.

7 Through our fall protection training, I
8 have seen -- when we first started getting
9 funded in '07 on this, there had been a spike in
10 deaths in the city in residential construction
11 falls, way over the national average. We got
12 funded. We started. We've trained over 3,000
13 workers now on fall protection training funded
14 by OSHA. OSHA cites people and then they send
15 them to us for free training.

16 We have employers calling us back the
17 next year saying, Are you still doing that? We
18 have new employees. In other words, that kind
19 of program, people get it; they begin to see the
20 value of it.

21 And a recent report just came out in the
22 Philadelphia Inquirer that the amount of deaths
23 from falls has fallen dramatically low. OSHA
24 did a local emphasis program, began to put some
25 money into it, and the results have been

1 incredible.

2 So my final comment here is that this is
3 what we do, and I'm committing that PHILAPOSH,
4 we would be happy to continue to work with the
5 Committee. We could assist in helping access
6 OSHA for information that you might have or in
7 any other way we can be helpful. We really want
8 to see this happen. Whatever it takes, we are
9 1,000 percent committed to work with you.

10 Thank you very much.

11 MAJORITY CHAIRMAN GINGRICH: Thank you
12 all. Excellent testimony. We wanted to allow a
13 little time for questions here, which I think we
14 can still do. We do need to stay on time, but
15 we'll try and keep them short.

16 I just want to start off by asking,
17 those of you who are most affiliated and
18 familiar with the public sector then, absent the
19 federal OSHA regulations or guidelines in place,
20 what is being done? Again, I have a history in
21 local government to a degree, so I know what we
22 did there. But certainly everybody that I've
23 talked to that's a workplace environment, has a
24 safety program. But overall, you know, can you
25 be specific on some that you know are in place

1 that are good, are not good, or how's it being
2 handled absent the OSHA element? And it can be
3 anyone who's most familiar with that.

4 Bill, you would know.

5 MR. DANDO: Yeah. For instance, I'll
6 use Department of Transportation. We have
7 safety crews. We also have, with the
8 Department, safety meetings; and that has -- how
9 can I say it -- it keeps evolving, I guess is
10 the way to say it.

11 It has reduced injuries within the
12 Department that we can see, but there being -- I
13 guess my problem is, when an accident or
14 fatality happens, it's investigated by the
15 Agency; and that's where I think OSHA should
16 be coming in to do the investigation, not the
17 Agency themselves.

18 But we do have a lot of good. Don't get
19 it wrong. We do have a lot of good in different
20 agencies, very good safety programs.

21 MAJORITY CHAIRMAN GINGRICH: Well, I
22 know that, and I've seen that. So I'm curious
23 about, you know, what absolute difference this
24 will be, you know, if we take it to this point?

25 John, did you have more to add from your

1 involvement?

2 MR. RENWICK: Tiffany works -- her
3 employer --

4 MAJORITY CHAIRMAN GINGRICH: Oh, Tiff,
5 maybe you can --

6 MS. SCHWAB: Yeah. Our employer, we
7 have like safety walkthroughs, safety committee;
8 we have training videos that everybody in the
9 shop or the office have to watch every month
10 regarding ladder safety, trip hazards, even like
11 clutter in your office areas or any kind of
12 chemicals that are in the workplace.

13 So we have like management as part of
14 that. The shop is -- we have an EHS System,
15 Environmental Health and Safety System. We have
16 a board where we track everything and progress;
17 anybody can write up a suggestion, like if they
18 saw a trip hazard or a possible circumstance
19 that could lead to an injury, anybody can turn
20 that in.

21 So it makes everybody's awareness,
22 basically, on a daily basis of what you see
23 throughout --

24 MAJORITY CHAIRMAN GINGRICH: Are you
25 talking about -- are you working in a public

1 entity or private?

2 MS. SCHWAB: Private.

3 MAJORITY CHAIRMAN GINGRICH: Okay.

4 Private. All right.

5 MS. SCHWAB: So that's currently what we
6 have that I believe everybody should have.

7 MAJORITY CHAIRMAN GINGRICH: Exactly.
8 So we're looking at the advantage of a more
9 standardized inspection and followup. Okay.
10 Thanks. Go ahead.

11 MR. BLOOMINGDALE: That's exactly true
12 about the standardization, and I won't be long.
13 It's important -- you know, there's so many
14 different programs out there and OSHA's done a
15 lot of work on what works. Right? So having
16 standards and a place to report, not the boss
17 who's violated the safety. Right? Having a
18 place like Bill mentioned to go to say, Hey, we
19 think there's a danger here and being able to
20 follow up and then everybody having the same
21 level playing field, right, this township?

22 And, look, we get it, some townships are
23 small. They're not going to have the ability
24 to do a full fledged, but there should be a
25 basic standard and a place to get safety hazards

1 resolved.

2 MAJORITY CHAIRMAN GINGRICH: And thanks.
3 Did you want to add something real quick?

4 MS. RAHKE: And just the other end of
5 that, enforcement. We do a lot of work with
6 people in the school district and they're on our
7 board, too, and the issue is, there are all
8 kinds of safety programs; but there's no
9 standard that's being violated, so it's a
10 proactive program but there's no enforcement
11 because there's no specific standard.

12 And it's enforcement that, in our
13 experience, is what in the end can help stop and
14 turn around bad situations. Safety programs
15 alone may not do that.

16 MAJORITY CHAIRMAN GINGRICH: Thank you.
17 So we all agree there's some good safety
18 programs out there. It's beyond that.

19 Okay. Question from Representative
20 Truitt.

21 REPRESENTATIVE TRUITT: Thank you, Madam
22 Chair, and I want to thank you all for your
23 testimony, especially Mrs. Schwab. Your
24 willingness to relive your family tragedy can
25 make a big difference; it does make a difference

1 in getting legislation moved out here in
2 Harrisburg, so thank you for your willingness to
3 do that.

4 For the whole panel, I'm just curious if
5 -- and I'm a believer -- the idea that the same
6 safety standards that apply to private sector
7 workers should apply to public sector workers is
8 commonsense. I'll be curious to hear the
9 history as to how we wound up in a situation
10 where we don't have that.

11 But I was wondering if you could expand
12 a little bit, all of you, about how applying
13 OSHA to public sector workers will make the
14 difference that we see happens from -- you know,
15 data shows that it makes a difference. Does it
16 make a difference because of greater training?

17 Like in Jake's case, could it have
18 prevented that incident because he would've had
19 more training maybe to identify a potential risk
20 in the project that he was doing? Is it a
21 function of just awareness? If you have an OSHA
22 program and a good safety program, does it just
23 make it so that folks have safety on their minds
24 more frequently than they would otherwise? Is
25 it a function of -- and your last comment there

1 kind of suggested, is it a function of pressure
2 from management? The right equipment wasn't
3 available, that when Jake was working on this
4 project, was he under pressure to get it done
5 even though he didn't have that equipment
6 available or is it the feedback loops where
7 someone may have had a near miss before Jake's
8 accident, where almost the same thing happened
9 to someone else and if that information had been
10 available, again, they would have been able to
11 do something to prevent this specific accident?

12 Can you elaborate a little on how OSHA
13 protections would have prevented Jake's accident
14 specifically, but others in general?

15 MR. RENWICK: In Jake's instance, in our
16 place, we have no safety of any type. After
17 Jake's accident, they started a safety
18 committee, which they in turn stopped us from
19 walking around EMTA to observe any defects that
20 we were finding.

21 But in Jake's instance, the bosses that
22 -- they were never trained on certain aspects
23 of vehicles. They got a training manual, but
24 you know mechanics; it's on-the-job training.
25 The management officials that were in charge did

1 not have the experience with transit buses; they
2 had experience with paratransit buses, which two
3 different vehicles.

4 The equipment that Jake was working with
5 was not available at the time of the project, so
6 they were told to improvise. With the
7 training -- in my heart, I know with the
8 training with the standards of OSHA, every
9 mechanic and every person in that place would
10 know to identify a problem.

11 If I walk up and I see Jake doing
12 something wrong, I could say, Hey, Jake, let's
13 stop that. Let's go and check and see what we
14 have to do. So everybody would be aware under
15 the standards of OSHA, if that answered your
16 question.

17 REPRESENTATIVE TRUITT: So,
18 fundamentally, it sounds like you're saying, if
19 he would have been more aware of the potential
20 hazards and felt more empowered to push back and
21 say, No, I'm not going to do this this way
22 because it's dangerous?

23 MR. RENWICK: Correct. And, also, he
24 was being -- I don't know if these are the right
25 words -- but pushed by management to get the job

1 done. And, also, he did not have the proper
2 equipment because he had to call out for it; and
3 by the time it got back, it was too late.

4 REPRESENTATIVE TRUITT: I'm sorry to
5 have to dig into the details of it and put you
6 through that, but it helps us take an abstract
7 idea and analyze it with respect to a specific
8 case. So thank you for your help.

9 MR. DANDO: Representative, one thing
10 that is known for certain is, OSHA, as we keep
11 hearing, has certain standards to follow. They
12 also have educational programs. They have
13 training programs. They have a cooperative
14 program. And they also have the enforcement
15 mechanism to make sure it's followed.

16 MR. BLOOMINGDALE: And just one other
17 example of private and public sector where it
18 would make a difference, Representative Truitt,
19 you have -- like around here we have -- UGI is
20 our gas company, right? Before they ever open a
21 manhole cover, they test for gases and any kind
22 of buildup that could lead to an accident.

23 In public sector, if the city of
24 Harrisburg has to go open a manhole cover,
25 they're just guessing if there's any kind of

1 buildup. And once you put that big hook in to
2 lift up that manhole cover, it could blow off.
3 Private sector has that.

4 Again, OSHA would regulate and require
5 that they have at least access to that kind of
6 equipment. You know, maybe they borrow it from
7 UGI when they're doing their work. And I know,
8 you know, there are costs associated with it.

9 But, obviously, the cost of healthcare
10 in an accident are much more expensive than the
11 cost of buying an air monitoring device that
12 let's you know what's under that manhole cover
13 before you pry it off.

14 So OSHA would make a huge difference in
15 the state of Pennsylvania for health and safety
16 and accidents.

17 REPRESENTATIVE TRUITT: In my other
18 life, I travel into a lot of industrial plants;
19 and some places have very good safety standards.
20 You can feel it when you walk in the door. You
21 know these people take safety seriously, and
22 other places you go into and you don't. And I
23 know I am personally much happier when I go into
24 a place and I see one of those signs that says
25 how many days they've worked without an

1 incident, because I know they take it seriously;
2 and I know I'm probably going to get in and out
3 of there okay. And other places it's not always
4 the case, and it's surprising sometimes. One of
5 my scariest incidents happened on a U.S.
6 military base, where public sector, different
7 rules seemed to apply.

8 So thank you again for your testimony.
9 I appreciate your input. Thank you, Madam
10 Chair.

11 MAJORITY CHAIRMAN GINGRICH: Thank you,
12 Representative Truitt. Representative Dush.

13 REPRESENTATIVE DUSH: Actually,
14 Representative Truitt got most of my questions
15 answered. I would just like to -- well, first
16 of all, Rick, you had mentioned about the public
17 sector workers being twice as likely to be
18 injured.

19 Is that against the population as a
20 whole, or is that against the population as
21 relates to the same type of job classifications?
22 Because most of our public sector employees,
23 that 12 percent, are concentrated in sanitation,
24 digging sewage, and that kind of stuff. So it's
25 inherently more dangerous than -- predominantly,

1 were your numbers against the whole of the
2 workforce?

3 MR. BLOOMINGDALE: I don't -- let me
4 just take a quick look again. I know it was the
5 Bureau of Labor statistics. Hang on. You have
6 it, Barbara?

7 MS. RAHKE: Yes.

8 MR. BLOOMINGDALE: There you go. Okay.
9 Barbara can answer that question. That's why
10 you have a panel.

11 REPRESENTATIVE DUSH: That's right.

12 MR. BLOOMINGDALE: If one of us doesn't
13 know it, the other will. But you're right about
14 public sector jobs. They are -- police and fire
15 are more hazardous, but people don't realize
16 Boat and Fish, you know, and our Game
17 Commission, anytime you're policing people with
18 guns out hunting, it's dangerous.

19 REPRESENTATIVE DUSH: Former corrections
20 officer.

21 MR. BLOOMINGDALE: Yes. They're
22 inherently more dangerous jobs that aren't
23 comparable to private sector, but in some places
24 they really are.

25 REPRESENTATIVE DUSH: And that's

1 basically what I was getting at. And just for
2 the sake of clarification on that -- and I would
3 also be interested, Barbara, in some of the
4 background information on those cases where you
5 were discussing as relates to what their
6 standards -- for instance, with corrections we
7 have the American Corrections Association
8 standards and the DOC actually goes out into the
9 county jails and assesses the jails against
10 those standards; and there are a lot of safety
11 policy requirements that are necessary as a part
12 of those standards.

13 I'd be interested in finding out if
14 those employees were adhering to the safety
15 standards within their workplaces, as well as
16 any sort of lessons learned that came about as a
17 result.

18 MS. RAHKE: Well, you know, we get into
19 that discussion a lot with employers who come to
20 us for different things. And it's always
21 puzzling to me when they say, you know, I just
22 can't get the workers to do this, that, or the
23 other, they just aren't following the safety
24 protocol. And I'm like, Excuse me; aren't you
25 the boss?

1 So what I find often is it's double
2 speak, that when it's convenient to sort of
3 ignore it and let the workers do whatever they
4 want to do, that's what they do. And then when
5 -- in other words, if management is serious
6 about it, then it will get done that way;
7 because they can --

8 REPRESENTATIVE DUSH: I've had that
9 discussion, too. Because on the Department of
10 Corrections, I've given it to them over the fact
11 that they're terrible at progressive discipline.

12 MS. RAHKE: Right.

13 REPRESENTATIVE DUSH: If you're actively
14 pursuing safety issues and people are
15 continuously violating it, if you're not doing
16 progressive discipline, the employees aren't
17 going to take it seriously. So, yes --

18 MS. RAHKE: And, also, it's to
19 everyone's benefit. So, you know, again,
20 there's information about that. But back to the
21 BLS question you had, it was the most recent
22 2013 figures out. And what they say is the
23 incident rate of injuries in private sector for
24 2013 was 3.1 cases per a hundred full-time
25 workers. That's what the statistic is based on,

1 versus public sector among state and local
2 workers combined. It's 5.2 per hundred
3 full-time workers for injuries and illnesses.

4 So it doesn't -- now, there are way
5 broken down charts that you can look at that'll
6 break it down by different departments and
7 categories; but that's the --

8 REPRESENTATIVE DUSH: I had seen that as
9 part of the package you had sent us. So,
10 basically, that's against the population as a
11 whole versus public sector, who are inherently
12 more -- so it's not really twice as much -- or
13 twice as likely within a job classification.

14 MS. RAHKE: Well, in the private sector
15 you have people doing those similar kinds of
16 jobs.

17 REPRESENTATIVE DUSH: Right. I
18 understand that, and I'd like to see that broken
19 out.

20 MS. RAHKE: Broken down.

21 REPRESENTATIVE DUSH: If we're going to
22 be having that as part of the discussion here,
23 it should be comparing apples to apples. That's
24 all I'm saying. Thank you.

25 MAJORITY CHAIRMAN GINGRICH: Thank you.

1 We have three more questions. And in the
2 absence of being sensitive to the time so that
3 we can hear the rest of the panels, I'll ask
4 that the questions and the answers be as concise
5 as they can be.

6 Representative Krueger-Braneky.

7 REPRESENTATIVE KRUEGER-BRANEKY: Thank
8 you, each of you, for testifying today,
9 particularly Mrs. Schwab and, Mr. Renwick,
10 talking about your husband and your friend, I
11 really appreciate your testimony.

12 So I've only served here in the
13 Legislature for a year. I really want some
14 context. The fact that Hawaii passed this 30
15 years ago -- Rick, I think you said you
16 testified on this very issue here in the mid
17 90s. Why has it taken Pennsylvania so long?
18 Why have we not acted on this?

19 MR. BLOOMINGDALE: I wish I could tell
20 you, Representative Krueger-Braneky. You know,
21 a lot of it was employers, public sector
22 employers pushed back that it was an unfunded
23 mandate, which as Bill pointed out, OSHA will
24 fund 50 percent. Never really took seriously
25 the savings that they would get from having

1 better safety with higher productivity. Those
2 statistics weren't really available back then.
3 And, in fact, when they passed OSHA in 1970, it
4 exempted -- because federal laws can't cover,
5 under the Constitution, other political
6 subdivisions. That's why OSHA can't cover state
7 and public sector employees, the small cities
8 and towns and all that.

9 But they did have a provision where you
10 could get a state plan and apply to be covered
11 by OSHA, and for whatever reason, the
12 Pennsylvania Legislature, I wasn't here that
13 long ago in the 70s, but for whatever reason,
14 the Pennsylvania Legislature did not pursue
15 creating a state plan.

16 And we've talked about it a lot,
17 although we slowed down some. And, you know,
18 every time this issue comes up, I think, you
19 know, could lives have been saved? And
20 absolutely they could have been saved, had folks
21 pursued this more diligently; and I think we
22 have to. I don't think we can sit back and just
23 wait until another person dies, because every
24 day people are injured. They may not die but
25 they're sick. They lose time on the job. Some

1 of them don't get paid when they're sick. We
2 have lots of folks who are suffering. Barbara
3 mentioned that poverty is an unknown side effect
4 of lost time and injuries. A woman has to quit
5 her job in order to be with her husband who was
6 injured like that, what happens to her family?

7 So those are all issues, and I think
8 it's time for the Legislature to get it done.

9 MR. DANDO: One thing I would say,
10 Representative, AFSCME has had a bill introduced
11 since 1998.

12 REPRESENTATIVE KRUEGER-BRANEKY: Every
13 session?

14 MR. DANDO: Every session, in the House
15 and in the Senate. In 1998, there was an
16 accident in Steelton Borough. One of the
17 workers drowned in a sewer trench. And ever
18 since then, it was Representative Buxton, I
19 believe, would introduce that bill -- it was in
20 his district -- every session, in the House.

21 REPRESENTATIVE KRUEGER-BRANEKY: Did any
22 of those make it to the floor for a vote?

23 MR. DANDO: No. No, they did not.

24 REPRESENTATIVE KRUEGER-BRANEKY: Thank
25 you.

1 MAJORITY CHAIRMAN GINGRICH: Yes. I
2 think we have a comment from our Democratic
3 Executive Director, who's been here a while.

4 MS. DILEO: Far too long. In the
5 1989-'90 legislative session, House Bill 1300
6 introduced by Representative Cohen, it was
7 reported from Committee, made it to the floor
8 and it died because of amendments that were
9 filed by the Republicans.

10 MR. DANDO: That was the bill I
11 testified on, 1300.

12 REPRESENTATIVE KRUEGER-BRANEKY: I just
13 want to say thank you again for that
14 information, Madam Chair. I'm hoping we can
15 bring this to the floor for a vote and push it
16 out of Committee this session.

17 MAJORITY CHAIRMAN GINGRICH: Thank you.
18 Next, we have a question from Representative
19 Deasy. I didn't mean you had to waive off. I
20 just meant be quick. Be sure you get the answer
21 to your question before you leave.

22 Representative Donatucci.

23 REPRESENTATIVE DONATUCCI: Thank you,
24 Madam Chair, and thank you to all of you,
25 especially Mrs. Schwab, And I do have heartfelt

1 condolences for you.

2 My question's going to go to Barbara,
3 and it's a little offtrack on this. It's mostly
4 about OSHA. Last year in Philadelphia, I
5 believe they passed a law requiring OSHA 10-hour
6 training for workers on certain construction
7 sites. I think it might be, because I think
8 there were five falls. Now they're the private
9 sector. Why did the city have to do that? Why
10 didn't OSHA just come in and say, Hey, you need
11 this training?

12 MS. RAHKE: That legislation passed on
13 the heels of the collapse of a building that was
14 being demolished that fell on top of a Salvation
15 Army thrift shop that -- actually, there ended
16 up being seven deaths in the end over that. Two
17 were art students who had gone in that morning,
18 and one of their mothers was the City Treasurer,
19 Nancy Winkler.

20 I think what the feeling was, there was
21 a lot of, you know, there's a city agency,
22 license and inspection that's responsible for
23 pieces and then OSHA is responsible, too. And
24 through the discussion, there was just a
25 determination by city counsel and I testified in

1 hearings in support of that legislation
2 actually. I've been at your hearings, too,
3 testifying, right (indicating)?

4 And that training was really critical,
5 particularly in the construction areas since
6 there's so much of it going on in the city. And
7 so the city felt that it would be safer if
8 workers were required to have an OSHA 10-hour.

9 We actually just completed doing a
10 Spanish language OSHA 10-hour for the city that
11 they were offering for free to try and get
12 everyone in compliance. So it was just a
13 feeling that that would help.

14 But I think it highlights something that
15 wasn't mentioned, which is the strong connection
16 between worker safety and community safety; and
17 we're actually doing community meetings about
18 that. Because if the workers are safe -- in an
19 infrastructure job, which is done a lot by
20 public sector workers, if the workers are safe
21 then the community is safe. We had scaffolding
22 collapse recently on a street and crush two
23 parked cars. It could have easily been two
24 children walking to our corner store. It's just
25 a miracle it wasn't, and there's a really strong

1 connection; and so I think that was an
2 underlying theme always, too, that worker safety
3 also means community safety.

4 REPRESENTATIVE DONATUCCI: Okay. Thank
5 you. We really need to look into this. Thanks.

6 MAJORITY CHAIRMAN GINGRICH: All right.
7 That's it for the questions. Although, I think
8 there are many more whirling around in our
9 heads; so we can certainly follow up on that as
10 we move forward on the bill.

11 (DISCUSSION OFF THE RECORD.)

12 They didn't give me your name,
13 Representative. I wasn't really ignoring you.
14 Representative Farina, please go ahead.

15 REPRESENTATIVE FARINA: And I don't have
16 a question and I'll be very brief. And it's
17 more so directed at Mrs. Schwab, and hopefully
18 you can find some comfort in what I have to say.
19 And that is, I'm a firm believer in everything
20 happens for a reason. And when my
21 brother-in-law committed suicide, it was about
22 five years ago. It will be five years in
23 December. And when I came here to the
24 Legislature, people did not want to even discuss
25 that subject, and especially in school

1 districts; but I worked and drafted legislation
2 for suicide prevention and awareness. And
3 actually, like I said, no one wanted to have the
4 conversation; but Madam Chair was a crucial part
5 in that legislation becoming law, which is now
6 law.

7 And if you continue with your passion, I
8 firmly believe that you could move something
9 like this forward. And I'm sure, Madam Chair,
10 if it could be done, she would be very, very
11 helpful in getting that passed.

12 But it helped my family kind of put some
13 comfort into the words that I live by, that
14 everything happens for a reason; and you could
15 possibly save many lives in the future. So I
16 just hope that you can find some comfort in that
17 as well.

18 MS. SCHWAB: Thank you. I appreciate
19 that. I think it will help save many lives and
20 it brings some closure and some good come of a
21 bad thing, and that's all I can hope for. Thank
22 you.

23 MAJORITY CHAIRMAN GINGRICH: Thank you,
24 Representative Farina. Representative Farina
25 and I happen to share that part of life that we

1 hope not a whole lot of people do, and we shared
2 with you today. And I can't thank you enough
3 for bringing that to us, and I have a great deal
4 of admiration for you and your passion to make
5 sure that other people will be in a safer
6 situation.

7 Thank you all for your professional
8 input. We really appreciate that. We ran a
9 little long, but it was well worth it. So we'll
10 thank you, excuse you. Please stay around.

11 We'd like to bring our next panel up.
12 We're going to hear more about the employer
13 perspective on this issue, and we're looking
14 forward to that. We like to have a very
15 comprehensive and balanced perspective as we
16 make these decisions moving forward.

17 So there are three folks on this panel
18 that I'm looking forward to hearing from. And I
19 have on my list, Stuart Knade, Senior Director
20 of Legal Services for the School Boards
21 Association here in Pennsylvania; Elam Herr,
22 who's the Director of Government Affairs for our
23 Pennsylvania State Association of Township
24 Supervisors; and Christopher Norris, who's the
25 Director of Human Resources at PennDOT.

1 So the order's not critical to us, but
2 we have Stuart Knade first on the list. Will
3 that work for you?

4 MR. KNADE: That's fine.

5 MAJORITY CHAIRMAN GINGRICH: Okay.

6 Thank you.

7 MR. KNADE: I don't mind starting off,
8 but I don't want to steal anybody else's
9 thunder. We have our written testimony that
10 points out a number of things, but what it
11 really focuses on is the information that we
12 have available to us.

13 You never want to say that you oppose
14 something that would prevent a tragedy, and
15 that's not what we're here to say. If you can
16 prevent a tragedy, you should be doing what you
17 can to do that.

18 The question and the reason that we
19 cannot, at this time, support the bill is, What
20 is going to be the net gain? And I've heard
21 several questions touch on that. In other
22 words, do we have the data that shows us that
23 the existing regulatory regime in Pennsylvania
24 that applies in the public sector -- and a lot
25 of it's tied to workers' compensation coverage.

1 We already have regulations that require
2 workers' compensation insurance carriers to
3 offer accident and health injury prevention
4 programs that employers have certified safety
5 committees that there's a financial incentive
6 for them to do that and we're a big believer in
7 financial incentives to, you know, attract
8 employer interest in achieving safer workplaces.

9 And there's robust injury reporting,
10 data collection. So the question then is, Can
11 you get to the level of granularity on the data
12 to say with comparable types of worker
13 activities, is there a significant disparity in
14 injury rates between the public sector
15 workplaces and the comparable private sector
16 activities that are currently covered by OSHA?

17 So we're not starting from nothing in
18 the public sector. There's a lot going on there
19 in terms of accident and health -- you know,
20 injury prevention programs that are already in
21 place. And I think we're going to hear from the
22 Department of Transportation about a lot of the
23 things that they do. Similar things are
24 happening at the local level. So the question
25 then is, What is going to be the net return

1 before we start diverting millions of dollars
2 that could be used to adequately and fairly fund
3 our education programs, maybe attack the opioid
4 addiction crisis, shore up public pension
5 systems?

6 Before we decide to use that money
7 elsewhere on this, I think the question is, What
8 is going to be the net gain and is there already
9 a disparity? So another couple of things I'd
10 just like to touch on before I'll be happy to
11 take questions if you have them is, remember, it
12 would not be the federal OSHA that would be
13 coming in to investigate things.

14 I heard someone mention about, you know,
15 investigation and enforcement. It would be the
16 state's own Department of Labor and Industry.
17 What happens under a state OSHA plan is that the
18 state then takes responsibility for implementing
19 OSHA-like standards.

20 It's not entirely clear to me at what
21 point you qualify for any federal funding for
22 that, but I can tell you that it may not be a
23 very short process from what I've seen in the
24 experience of other states. The five states
25 that we are aware have a state and a public

1 sector only state OSHA plan, and they are
2 Connecticut, New Jersey, New York, Maine and
3 Illinois and are all a bit different in how
4 they've operated. They're definitely worth
5 studying from their experience.

6 I believe Illinois and Maine have only
7 recently gotten started. New Jersey started its
8 effort in the early 1970s and was only certified
9 this past January. The developmental plan they
10 got initial approval on that I think probably
11 started any federal funding wasn't initially
12 approved until 2001 after, you know, 25 or more
13 years of trying to get there.

14 So I think we have to be very cautious
15 about assuming a level of federal funding to
16 reimburse the Commonwealth. I notice in the
17 written testimony of the Department of Labor and
18 Industry that their conservative estimates of
19 the cost to implement this is over \$6 million
20 versus the much lower estimate that I saw in
21 testimony from the -- I can't remember which
22 employee organization it was.

23 So we need to know a lot more about what
24 we're dealing with, what the gain will be, what
25 the level of disparity is between public sector

1 workplace safety and comparable private sector,
2 recognizing that there are some things that
3 you're not going to find good comparisons for
4 and before we use funding that is desperately
5 needed elsewhere.

6 Thank you.

7 MAJORITY CHAIRMAN GINGRICH: Thank you.
8 And we will have questions later, so I
9 appreciate that. Let's go to Elam Herr, please,
10 from the Township Association.

11 MR. HERR: Thank you, Madam Chairman. I
12 am Elam Herr, Assistant Executive Director for
13 the Township Supervisors Association. And I'm
14 not going to read our testimony because you
15 already have it in front of you, and at your
16 convenience you can read it.

17 I will also even cut down a couple of my
18 remarks, because I don't think I can say it as
19 good as my predecessor here on the comments.
20 Basically, you know, we agree, employee safety
21 is paramount in what's going on out there. But
22 we do oppose the legislation as it's written and
23 as Stuart has just enumerated. There a number
24 of things that you have to keep in mind. We are
25 under the Worker and Community Right to Know

1 Law, you know, the Workers' Compensation Law; we
2 have Heart and Lung, and a number of other
3 statutes out there, political subdivisions, my
4 members and townships have to follow.

5 We also follow PennDOT safety
6 requirements for our employees that are out
7 there. We also have to file the federal CDL
8 requirements for not only the drivers in the
9 vehicles but also how those vehicles are
10 maintained.

11 And please realize, and we may be
12 different from some of the other political
13 subdivisions, local governments, in that a lot
14 of my members, the employers, are also the
15 employees; so they do take safety very, you
16 know -- with an understanding that anything that
17 they do or don't do is going to also affect
18 them. So it is a major concern that we have out
19 there.

20 As I said, we are very cognizant of
21 safety issues. A lot of times the insurance
22 companies that we have keep our costs down. And
23 as you have heard already, cost is one of the
24 major drivers on this. The insurance companies
25 have us form safety committees, go through

1 training. Now, it's not universal across the
2 board as we would like.

3 We also provide training to our
4 memberships. So the end result is, again, as
5 Stuart said, a lot of information that needs to
6 be gathered because it is hard to do comparisons
7 between a lot of our employees and those in the
8 private sector.

9 You know, the biggest ones, from my
10 perspective, would be your police officers and
11 your road employees. But, also, if you're
12 looking at cities, you have fire departments.
13 So, you know, at this particular point in time,
14 we are concerned about the amount that this
15 potentially will cost to the state and to the
16 municipalities if this legislation is enacted.

17 So with that --

18 MAJORITY CHAIRMAN GINGRICH: Okay.
19 Thank you very much, Elam. And then we'll go to
20 Chris Norris from PennDOT.

21 MR. NORRIS: Thank you, Madam Chair,
22 Representative Harkins, and Committee members.

23 There were some questions that were
24 asked of the earlier panel and I wanted to go
25 through a brief history of some of what

1 PennDOT's done. I know Bill Dando had mentioned
2 that safety has evolved in PennDOT.

3 And when I started with the Department
4 -- actually, I've been fortunate, I think, to
5 work for PennDOT for the past 21 years. The
6 Safety Division was a stand-alone division
7 within the Bureau of Human Resources. We had
8 six full-time positions that were associated
9 with it.

10 Over the years, that's evolved to the
11 point where we now have two positions in each of
12 our eleven engineering districts, plus still
13 those six full-time positions in central office.
14 So we've really evolved as far as the resources
15 that we dedicate towards our safety program.

16 As far as resources outside of the
17 personnel area, our training programs, our
18 safety policy manual that every employee
19 receives training on, we have safety committees
20 at the county level, which is kind of that
21 ground-level area where safety issues bubble up
22 through the organization through the local
23 safety committees up into Harrisburg. So there
24 are definitely venues that employees can bring
25 forward ideas, and certainly we take all those

1 ideas very seriously as far as implementation.

2 In my time with the Department, I've
3 never -- I can't say that I've ever experienced
4 a lack of support for our safety programs.
5 We've always had very strong executive
6 leadership support throughout the Department.
7 We have agency strategic goals that support our
8 safety initiatives. We have the commitment from
9 our leadership. We have Safety Stand-Down days
10 on a regular basis in our organization, where
11 basically our operations are shut down and
12 they're -- we have a day that's dedicated to
13 safety training, so it is something that our
14 agency definitely takes very seriously.

15 I think, to Mr. Dando's comment, I think
16 constantly evolving is one of the key elements
17 of a safety program, that it doesn't become
18 static or flat if it's just, you know,
19 compliance related or if it's just a safety
20 committee, that doesn't -- I would say we've
21 been most effective as we've made changes over
22 the years throughout our program to keep that
23 constant focus on our initiatives.

24 We do track our safety numbers. I know
25 there was a question about injury rates and

1 basically national consensus standard for our
2 injury rates. And our agency historically
3 attract against highway and street construction;
4 because that was, I would say, most closely
5 aligned to our organization.

6 Citing that, we do have positions that
7 are -- we do have probably a higher volume of
8 administrative-type positions, so it wasn't
9 always a fair comparison. So we did move away
10 from that over the years, but our rates the past
11 two years have actually been to the lowest on
12 record. We were at 4.4 two years ago and 4.7
13 this year, so it is something that our
14 leadership takes very seriously in the
15 organization.

16 The Commonwealth, and it was referenced
17 in their earlier testimony, but the Commonwealth
18 does have a requirement through the PA Workers'
19 Compensation Act. With us being self-insured,
20 we have to comply with an accident and illness
21 prevention program that's mandated by law. So
22 that does provide some structure to safety
23 programs for government organizations.

24 I would say that even with our
25 longstanding history in our department, when I

1 started in '95 our program, I believe the
2 division was started actually in the early 80s,
3 so it's always been there.

4 But even with the implementation of the
5 accident and illness prevention program and
6 standard elements that agencies have to comply
7 with, it helped us evolve. There's no doubt
8 about that. I think any type of structure for a
9 safety program to bring about that consistency
10 so PennDOT's the same as L & I, the same as, you
11 know, York Township, whatever the local
12 municipality would be, I think that is an
13 important step moving forward.

14 I know there's discussion of costs and,
15 you know, certainly there would be costs that
16 would be associated with implementation. Even
17 in our own agency, I'm certain there would be
18 costs associated with it; but that would be
19 something as the House Bill is considered moving
20 forward and looking at, you know, what are
21 exactly those standards going to require, I
22 think it's something that, you know, our agency
23 would definitely be willing to work with the
24 Committee and help identify what that would
25 result in.

1 MAJORITY CHAIRMAN GINGRICH: Thank you,
2 folks. We're definitely going to have some
3 questions. And some of them -- it's
4 interesting; it all comes back to the statistics
5 that we need and the comparables, as
6 Representative Dush said, are we really
7 comparing the true number to the true number?

8 So that when you look at the fact that
9 we've seen that categorically that the instances
10 are higher in the public sector than the private
11 sector begs the question why, you know, and is
12 this part of it or are we not comparing numbers
13 that are accurate to the job PennDOT --
14 obviously, we see our PennDOT workers out on the
15 road, especially this season, where you can't go
16 anywhere without -- and, you know, I keep
17 remembering, we passed that Transportation Bill;
18 this is what we wanted; get these roads done, as
19 I'm backed up for three miles.

20 But I do, I think of their workplace
21 safety all the time, too. And I know that
22 PennDOT, from what I understand, you operate
23 under a management directive, a specific
24 management directive. When you compare that to
25 what we're talking about with OSHA standards and

1 structure, do you see one being better than the
2 other, as good as the other?

3 MR. NORRIS: There's definitely a
4 difference between them. And I'll abbreviate
5 it, the AIPP requirements and OSHA. I mean,
6 there's no doubt AIPP is not going to be OSHA
7 compliant.

8 MAJORITY CHAIRMAN GINGRICH: Yeah, not
9 there.

10 MR. NORRIS: OSHA compliance, and I can
11 only speak to some of our program areas,
12 oftentimes, there's a lot of environmental
13 monitoring that is required. And our agency,
14 historically, over the years has provided
15 education and PPE is an example, and I had it in
16 my testimony, I got metric readings. We provide
17 education and we provide hearing protection to
18 all of our employees.

19 We don't have a site-specific reading
20 for a particular work zone or a particular
21 garage, so we've tried to emphasize the
22 education and providing the PPE in those
23 situations.

24 MAJORITY CHAIRMAN GINGRICH: I think
25 many workplaces -- again, I mentioned before

1 having been involved in local government; and I
2 know that you focused then on your operation and
3 where your potential safety hazards are and are
4 very intentional about those.

5 MR. NORRIS: Yes.

6 MAJORITY CHAIRMAN GINGRICH: Yeah, this
7 is very hard to be clear on, you know, where the
8 differences will be most.

9 Thank you very much. We have some
10 questions. Representative Truitt.

11 REPRESENTATIVE TRUITT: Thank you, Madam
12 Chair, and thank you, gentlemen, for your
13 testimony. You're in an unenviable position
14 today. I realize that you've got to present the
15 opposition to a bill that's probably pretty
16 popular.

17 But I have just two quick questions.
18 One of them's very quick and almost -- it's kind
19 of related to a different bill. We've talked
20 about speed cameras in construction zones. Can
21 you tell us, in PennDOT, what percentage of
22 accidents are caused by vehicles that are
23 driving by and what percentage of accidents are
24 construction accidents that happen regardless of
25 the traffic passing by, if you happen to know

1 that?

2 MR. NORRIS: Yeah, I don't know it off
3 the top of my head. We certainly can provide
4 that information. Certainly the percentage
5 associated with the motoring public is going to
6 be a smaller percentage in our operation, but
7 oftentimes those are the most significant and
8 severe.

9 And, in reality, the distraction that
10 can occur -- I can tell you that on a -- we
11 actually have a near-miss reporting requirement
12 in our organization where we receive updates if
13 there's anything that could result in media
14 attention or bring focus on our agency.

15 And there are numerous forms that come
16 in that are associated with work zone
17 intrusions, where the motoring public is either
18 distracted or, unfortunately, in often cases,
19 just ignoring our signage and they come through
20 the work zone. It does not result in an injury
21 to our employee, but it's very concerning for
22 our organization or in the industry as a whole,
23 I'm sure, in relation to motoring publics
24 following the rules and regulations associated
25 with work zones.

1 REPRESENTATIVE TRUITT: Thank you. That
2 does provide some insight into the issue that
3 we're discussing, as well. And then just for
4 all of you, I'm trying to understand where the
5 additional costs would come from.

6 Now, you kind of alluded to that when
7 you said that the current standard isn't as
8 tough as the OSHA standard. Is it a function of
9 fines that we'd have to pay to the federal
10 government? Where's most of the additional
11 costs going to come from if we move to a higher
12 standard? Anyone can answer.

13 MR. HERR: Part of it's going to be in
14 the administrative aspect of the implementation,
15 the paperwork that has to be done. Some will be
16 on implementing whatever the new standards may
17 be that would supercede or be more stringent
18 than what we have in place.

19 And the third is the penalty provision
20 that's already in the legislation, which is, in
21 our contention, excessive and exuberant, which
22 means it's just additional tax dollars going to
23 pay penalties instead of being put back into
24 either improving on the safety or other services
25 that we provide.

1 REPRESENTATIVE TRUITT: And who are
2 those penalties paid to? This will be my last
3 question, I promise.

4 MR. HERR: I think it comes back to the
5 state here, but I'd have to look at the bill
6 again, per se.

7 REPRESENTATIVE TRUITT: Okay. Thank
8 you, Madam Chair.

9 MAJORITY CHAIRMAN GINGRICH:
10 Representative Krueger-Braneky.

11 REPRESENTATIVE KRUEGER-BRANEKY: Thank
12 you, each of you. Like Representative Truitt, I
13 agree that you're in a tough position today; so
14 I appreciate you being here with us.

15 I scanned through each of your
16 testimonies, and I didn't see any cost
17 estimates. Does anyone have any sense of the
18 actual dollar figure to implement or even a
19 range?

20 MR. KNADE: I don't think it would be
21 possible for us to try to calculate that at this
22 point. As Elam was relating, a lot of it's
23 going to be in the transition from one
24 regulatory regime to another one; so you're
25 going to be rewriting, you know, policies,

1 procedures; you're going to have to retrain
2 people and untrain them from one set of
3 standards which are now tailored to a specific
4 workplace to replace them with a much more
5 one-size-fits-all set of standards that will
6 come in and perhaps have to really implement
7 both at the same time because you've got one
8 that's developed at the behest of your workers'
9 compensation insurance carrier who, by the way,
10 come out and do workplace inspections.

11 I know that the insurance company that
12 PSBA used to be connected to until earlier this
13 year does that when they -- for all of their
14 school district workers' compensation insureds,
15 they go out and they do workplace safety
16 inspections and provider reports and assistance
17 and help coordinate training and all that sort
18 of thing.

19 But it's the transition that really
20 always has costs when you're moving from one
21 regulatory regime to another. The transition
22 worries me for another reason, too; because
23 that's when balls get dropped and that's when
24 the effectiveness of your workplace program that
25 you have while you're making that transition may

1 actually result, at least temporarily, in a
2 reduction in your overall effectiveness of your
3 safety program.

4 REPRESENTATIVE BRANEKY-KRUEGER: Thank
5 you, each of you.

6 MAJORITY CHAIRMAN GINGRICH: Thank you,
7 Representative. Representative Judy Ward.

8 REPRESENTATIVE WARD: Hi. Thank you all
9 for being here today. Mr. Norris, I have a
10 question. At PennDOT, I'm thinking there's a
11 procedure if an employee sees something unsafe.
12 You have a procedure in place for that? I mean,
13 people are comfortable coming forward --

14 MR. NORRIS: Yes.

15 REPRESENTATIVE WARD: -- if they feel
16 something's unsafe and there's -- can you
17 explain, if you can?

18 MR. NORRIS: Yeah. I mean, the
19 elevation process, I had mentioned earlier that
20 we have certified safety committees through the
21 AIPP requirements but safety committees in each
22 of our counties; and that's one of the avenues
23 employees can bring forward information. When
24 we train employees in our new employee
25 orientation and in other opportunities to share

1 information, that is the one area where
2 employers, basically -- and I'll look at it from
3 a labor relations perspective -- employees are
4 told to follow orders unless it's unsafe.
5 That's the one area where they could refuse a
6 direct work order and stop an operation.

7 So there definitely are opportunities
8 there, and certainly the intent is that every
9 employee should feel comfortable bringing those
10 forward.

11 REPRESENTATIVE WARD: Thank you. Thank
12 you very much for the good work you do.

13 MR. KNADE: I think it's also important
14 to note that on these safety committees that
15 have, for example, every school district is
16 required to have, there is representation from
17 employee organizations on those committees, so
18 they're a very active part and important part of
19 that aspect of the safety programs.

20 MR. NORRIS: Yeah. And I'm sorry. Can
21 I add one more thing? Our safety coordinators
22 that are out in the districts, we spend a lot of
23 time -- they're conducting inspections, but it's
24 the engagement with the crews out in the field
25 where, you know, most of our risk is associated;

1 so there's always that opportunity to speak with
2 a safety professional.

3 Every one of our safety coordinators are
4 required to go through National Safety Council.
5 They're training for an advanced safety
6 certificate, so we absolutely try to get as many
7 resources as possible out there.

8 MAJORITY CHAIRMAN GINGRICH: Thank you.
9 Who knows better than the guys in the trenches
10 or on the road? Representative Dush.

11 REPRESENTATIVE DUSH: Thank you. Elam,
12 you're going to be in the best position to
13 answer this question. One of the concerns that
14 I'm going to have with this is the impact on the
15 amount of training and extra work that's going
16 to be involved.

17 For instance, I have one township, the
18 combined tax base amounts to basically what it
19 would cost to put two kids through school in
20 Philadelphia, because there's so much
21 state-owned property. But those -- as you said,
22 those guys are also the ones out there working.
23 They're the township supervisors, but they're
24 also working. When it comes to promulgating the
25 regulations and the Secretary developing all

1 these different standards, what do you see as
2 the impact on small townships versus one with
3 operating budgets in the tens of millions of
4 dollars within the PSATS?

5 MR. HERR: Well, literally, it would be
6 a financial nightmare for them to meet the
7 requirements. Presently, again as I stated, we
8 promote different types of training that also
9 includes safety, which they may take advantage
10 of.

11 Also, because of our relationship
12 through legislation and just the normal
13 day-to-day operation with PennDOT, a lot of what
14 those employees are doing out on the road are
15 following the same procedures that PennDOT has
16 promulgated.

17 The biggest problem when you come down
18 to anything like what is being proposed here or
19 just OSHA in general, is the one-size-fits-all
20 mentality, which in the township that I live in,
21 it would be easier to comply with OSHA based on
22 their size and what they have implemented today.

23 The smaller municipalities, be it a
24 township or say a small borough, will have, you
25 know, a higher potential financial impact

1 because there are those reporting requirements
2 and potential penalty aspects.

3 MAJORITY CHAIRMAN GINGRICH: Okay.
4 Thank you very much. I believe that's it for
5 the questions. I do want to mention that we
6 also received written testimony from the
7 Boroughs Association. You reminded me when you
8 mentioned the small boroughs.

9 Thank you, gentlemen, very much. It's
10 very important to us that we know the impact,
11 whether it's for the good of the safety programs
12 but also how we're going to pay for it from the
13 employer side.

14 So thank you so much. All right. And
15 we'll welcome forward Sean Ramaley. And I
16 should know how to say Sean's name, since we
17 served together in the Legislature. And he's
18 the Deputy Secretary for Safety and Labor
19 Management Relations with our Department of
20 Labor and Industry, so we're happy to have you
21 bring to us the perspective from the Department,
22 Sean.

23 MR. RAMALEY: Thank you. Good morning,
24 Chairman Gingrich, Representative Harkins,
25 Committee members, and staff. I appreciate the

1 opportunity to testify today in support of House
2 Bill 1082.

3 First, if I could, I'd like to thank the
4 public employees, especially Jake's colleagues,
5 who took the time to be here today. For them,
6 this isn't just a piece of legislation; it's a
7 lifeline. I'd also like to extend to
8 Mrs. Schwab, on behalf of Secretary Mandarino
9 and the whole Department, our condolences; and
10 I'd also like to thank her and recognize her for
11 her courage and dedication.

12 The Department of Labor & Industry
13 believes strongly that all Pennsylvania workers
14 should be ensured a safe workplace with safe
15 working conditions regardless of who their
16 employer is.

17 As you've heard today, presently when it
18 comes to safety, public sector workers in
19 Pennsylvania are not afforded the same
20 protections in the workplace as their private
21 sector counterparts. As everybody else has, I
22 will abbreviate my testimony. You've got the
23 full written remarks, but I do want to highlight
24 some parts of it.

25 One of the bureaus I oversee, the Bureau

1 of Occupational and Industrial Safety, currently
2 enforces the General Safety Law. That law was
3 enacted to prescribe certain regulations and
4 restrictions concerning where persons are
5 employed, the equipment therein, and bestow
6 certain powers and duties on the Department
7 relative to the enforcement of the act.

8 The General Safety Law has been
9 preempted by the US Occupational Safety and
10 Health Act of 1970 with regard to private sector
11 employees. As a result, the General Safety Law
12 only covers public sector employees of the
13 Commonwealth and its subdivisions.

14 House Bill 1082 would create the Public
15 Employees Occupational Safety and Health Act to
16 establish procedures for public employers and
17 employees to address workplace safety issues and
18 complaints.

19 It directs the Secretary of the
20 Department of Labor & Industry to adopt the
21 standards set out by the federal government and
22 OSHA. The legislation is intended to extend the
23 same protections to public sector workers as
24 those employees already being afforded those
25 protections in the private sector of the

1 Commonwealth.

2 Under House Bill 1082, the Secretary's
3 directed to promulgate regulations to establish
4 reporting procedures, guidelines about
5 disseminating information, programs to encourage
6 voluntary compliance and methods or programs to
7 reduce safety and health hazards and promote
8 safe working conditions.

9 The bill establishes detailed standards
10 for inspections, including when, how, and what
11 may be inspected or investigated. It provides
12 for notice to the employer and employees of any
13 violations found.

14 This legislation also specifically
15 prohibits any retaliation against any employee
16 for cooperating with the Department in its
17 enforcement of the Act.

18 So how does House Bill 1082 compare to
19 the General Safety Law? The General Safety Law
20 was first adopted in 1937 and last amended in
21 1953. It provides a specific list of items that
22 the Legislature deemed necessary at that time to
23 protect employees and the public.

24 Importantly, nearly seven decades later,
25 House Bill 1082 does not list any specific

1 requirements for the protection of employees,
2 but rather, gives a comprehensive plan for
3 procedures and time limits for ensuring that all
4 public employers in this Commonwealth are in
5 compliance with the standards set forth by OSHA,
6 as well as an appeals procedure for those who
7 are not in compliance.

8 The proposed act gives the Secretary of
9 the Department very significant duties,
10 including providing for the preparation,
11 adoption, amendment or repeal of regulations
12 governing the conditions of employment in
13 general and special application in all
14 workplaces, providing methods for instituting
15 programs to encourage safe and healthful working
16 conditions, requiring employees to report
17 certain information to the Department, providing
18 for the frequency, method, and manner of making
19 workplace inspections, providing for the
20 dissemination of information and training
21 materials to aid employers and employees in
22 maintaining a safe workplace and for the posting
23 of such information where appropriate and
24 providing for occupational safety and health
25 education programs for employers and employees.

1 Under House Bill 1082, the Secretary is
2 also tasked with reviewing and ruling on
3 applications for variances, granting temporary
4 variance orders after notice in a hearing,
5 granting interim variance orders in some cases
6 until a hearing can be held.

7 Further, the Secretary's representative
8 is in charge of inspections at all workplaces
9 and may apply for subpoenas and warrants if
10 denied access by an employer. If violations are
11 noted during an inspection, the Secretary is to
12 compile a report on the matter and issue a
13 compliance order which shall be posted, fixing a
14 time for abatement of the violation and the
15 penalty, with the employer being given 15 days
16 to contest either the violation or the penalty.

17 If left uncontested, it will not be
18 subject to review. The bill also directs a
19 system of due process for anyone aggrieved by
20 the process.

21 Another important aspect of House Bill
22 1082 is the requirement for employers to
23 maintain accurate records as to the causes and
24 prevention of occupational accidents or
25 illnesses leading to death and injury and the

1 potential exposure to toxic or other harmful
2 chemicals.

3 If House Bill 1082 is enacted, it would
4 seem that all the provisions of the General
5 Safety Law would remain in effect but with the
6 imposition of House Bill 1082's extremely
7 detailed enforcement procedures, there could be
8 some confusion among state employers and
9 practitioners alike.

10 Section 6.1 of the proposed legislation
11 provides that the Secretary may promulgate
12 regulations to administer and enforce this act
13 and shall provide for the preparation, adoption,
14 amendment or repeal of regulations governing
15 conditions of employment of general and specific
16 application in all workplaces.

17 This provision seems to indicate that
18 the drafters intend for this new legislation to
19 be all encompassing. One suggestion the
20 Department may have is that the best option
21 would be to combine the two documents, the two
22 laws, into one comprehensive law for maximum
23 coverage and clarity.

24 Repealing the General Safety Law and
25 amending House Bill 1082 to include the viable

1 aspects of it seems to make the most sense.
2 Certain portions of the General Safety Law are
3 still viable, as they speak to specific aspects
4 of the modern era workplace and should be
5 inserted into House Bill 1082 under Section 7
6 standards.

7 This would achieve the goal of the new
8 legislation to provide specificity as to the
9 general safety and health requirements already
10 mandated in Pennsylvania, while still utilizing
11 the procedural mechanism of House Bill 1082
12 which provides for greater enforcement powers
13 and specific procedures to effectively address
14 requests for variance violations penalties and
15 appeals thereof.

16 The Department conservatively estimates,
17 as you've already heard, that the program would
18 cost approximately \$6.5 million per year to
19 implement and administer. The U.S. Department
20 of Labor offers a grant that would match half of
21 what the Commonwealth would pay to administer
22 the act.

23 We understand that in a time of physical
24 austerity and the government trying to do more
25 with less, this may seem like a fairly large

1 price tag. But earlier today we heard Jake
2 Schwab's story. So we have to ask, What is the
3 price of safety in the lives of 705,000
4 Pennsylvania workers? These workers of
5 Pennsylvania are an invaluable asset to this
6 Commonwealth and its local governments, and they
7 deserve the same rights and protections in the
8 workplace.

9 Regrettably, without that additional
10 funding, the Department could be unable to
11 afford this Act and we would continue to lose
12 out on the availability of federal matching
13 dollars.

14 We would need the Legislature, should
15 you choose to pass this Act, to simultaneously
16 provide the Department with appropriate funding
17 necessary to enforce the Act. Otherwise, to
18 pass the legislation without the proper amount
19 of funding would be akin to not passing this
20 worthwhile legislation at all.

21 In conclusion, I'd like to thank you
22 again for the opportunity to testify in support
23 of House Bill 1082 and ensure the safety of
24 Pennsylvania's public sector workers. Labor &
25 Industry is committed to providing all workers,

1 both public and private sector, with a safe
2 working environment and conditions across the
3 Commonwealth.

4 I'd be happy to take any questions you
5 might have.

6 MAJORITY CHAIRMAN GINGRICH: Thanks,
7 Sean. Gosh, without a doubt, we're looking at
8 the Department of Labor playing a very large
9 role in this transition, should it occur.

10 I was interested in your testimony and
11 your comments now about not throwing out the
12 baby with the bath water, as they say, but the
13 opportunity to combine some of the -- and I
14 assume that's all possible.

15 The trick here is, the state plan has to
16 be put together from our side, approved by the
17 feds; and I'm going to make an assumption that
18 that might be why it has taken over a decade in
19 a couple of instances in other states where the
20 plan was written but until it was implemented,
21 sometimes 12, sometimes 15 years.

22 What do you anticipate, if you --
23 because you appear to be very supportive of
24 this, obviously. Do you have a -- never mind
25 the cost -- we can go back to talk a little bit

1 about that. But what about the implementation
2 time? Do you have an expectation, a goal? Do
3 you know something these other states didn't
4 know when it took that long to implement the
5 plan?

6 MR. RAMALEY: Let me say this: I don't
7 know what the ballpark would be, because
8 obviously the legislation would have to be
9 passed. If it would be passed in the next few
10 months, I can tell you the Department would
11 begin in earnest a regulatory drafting process.
12 As you all are well aware, that process in and
13 of itself takes some time to go through the
14 regulatory process and get all the necessary
15 approvals and obviously working with our
16 counterparts at the federal level as well.

17 I can tell you that I've already had
18 conversations with the Bureau of Occupational
19 and Industrial Safety to -- you know, as we were
20 coming up with the cost estimates, you know, we
21 began working through a plan.

22 If this were enacted tomorrow, how would
23 we begin the enforcement? What would our needs
24 be? That's how we generated the figure that we
25 came up with to put the resources in place to do

1 the necessary education, to do the necessary
2 enforcement mechanisms.

3 So, again, there's some factors outside
4 of our control. It would probably be several
5 years to get this fully operational. But I
6 think in that, the testimony you just heard from
7 the employer side, they would have time to ramp
8 up their efforts as well to cover some of those
9 question marks and engage in that transition
10 period.

11 MAJORITY CHAIRMAN GINGRICH: Yes,
12 because it's going to be a little different for
13 some of the smaller entities to even begin to
14 pull this together and pay for it as well.

15 Well, I'm happy to hear what you have to
16 say about that. I'm hoping that what you're
17 doing currently when we talk about the General
18 Safety Law and practices in place, would that
19 possibly help us move forward with a plan that
20 would be matching what they're looking for at
21 the federal level? I'm thinking it could be a
22 help or it could be a hindrance. I'm just not
23 sure.

24 MR. RAMALEY: I think what is going on
25 now -- it could be -- it's a good starting

1 point. It's a good foundation. But, obviously,
2 what this legislation does is create a much
3 larger and level playing field for everybody
4 that would require a much more aggressive
5 approach than what the General Safety Law
6 accounts for now.

7 MAJORITY CHAIRMAN GINGRICH: Right.
8 Right. Very good. It's a good grid though. We
9 have that in place now. Are there any other
10 questions? Representative Truitt, if you don't
11 mind?

12 REPRESENTATIVE TRUITT: No, no. I'll be
13 quick. Out of the \$6 and a half million they
14 increased to administer the plan, do you think
15 there would be any savings from existing laws or
16 existing regulations that we would abandon or is
17 there any overlap, things that would go away
18 that would offset some of that?

19 MR. RAMALEY: Yes, I think there is.
20 And I think -- I guess I would just challenge
21 you all to think of it this way: Based on our
22 experiences, based on the things that we've been
23 doing, I think in a lot of respects, a lot of
24 this money is being spent already. And I think
25 the question we have to ask, Are we more willing

1 or interested to spend it on prevention and
2 compliance and education, or are we going to
3 spend it on the back-end once a worker is hurt
4 or unfortunately killed? I would humbly suggest
5 that money's better spent upfront to prevent
6 these accidents and that's more of an investment
7 in our Pennsylvania workers.

8 REPRESENTATIVE TRUITT: Thank you, Madam
9 Chair.

10 MAJORITY CHAIRMAN GINGRICH: Thank you.
11 And I'm going to turn to the prime sponsor of
12 the bill and my cochair for today,
13 Representative Harkins, for a wrap-up.

14 REPRESENTATIVE HARKINS: Again, thank
15 you, Madam Chairwoman. You've been a great
16 cochair on this hearing, and I appreciate the
17 great input and the participation from
18 everybody, as well as the bus load of people
19 that came down from Erie.

20 In summation, I guess I would say, what
21 cost do you put on safety as a worker, as a
22 public employee? When you know that there's an
23 obstacle or a problem, you've got to work to
24 overcome that, to defeat that, to put public
25 safety as a priority.

1 I respect everyone's opinions, everyone
2 that testified. It was an eye-opener on both
3 pro and con. And I would be willing to work
4 with, as was mentioned, the school districts
5 that -- the obstacles that they would encounter.
6 And I just thought of a call that I got last
7 Friday. It was 95 in Erie, very humid in the
8 high school that I went to in an older building
9 with no air-conditioning. Teachers falling
10 faint and things like that, students and issues
11 that happen with those kind of older buildings.

12 With the counties, with the townships, a
13 number of calls since this bill was introduced
14 two years ago, with older equipment that's from
15 the 50s. I totally understand where you're
16 coming from. There's going to need to be help,
17 you know, to implement something like this with
18 older equipment, with the training for people
19 who may be stuck in some of the positions that
20 they've been in for a number of years and doing
21 things in older ways that maybe that don't meet
22 the safety standards of today.

23 Always the cost factor. We always have
24 to factor that in and consider that and respect
25 that. But, like I said, I'm willing to work

1 with everyone on that. But I do think this is a
2 bill that needs to move and move fast with some
3 of the injuries that we're hearing about and
4 some of the deaths that could have been
5 prevented. Again, what cost do you put on that?
6 And I'll leave you with this: Recently, I saw
7 the movie Sully. I don't know if anybody else
8 in the room saw that. Very good movie. It
9 reminded me of when I was at UPS. Again, I had
10 25 years there as a driver and we always had
11 safety drilled into us.

12 When there was an accident, it was
13 always the employee's fault. I won't give the
14 movie away. But as Sully portrayed as the hero
15 on the media front, the NTSB was trying to knock
16 him down and say that it was his fault.

17 Human factor is a huge issue. And we
18 used to run into that every day at UPS, your
19 production factor. You ran 117 stops yesterday.
20 You didn't run fast enough. You were an hour
21 over. And I'd always come in and say, Just an
22 hour?

23 But you had to factor in trains; you had
24 to factor in traffic; you had to factor in the
25 human side of what you were doing every day.

1 But I think we can't lose site of that with
2 this. The human factor is huge. People that
3 are programmed to do things a certain way every
4 day, sometimes need to be readjusted, reminded,
5 you know, there's a safer way to do things:
6 better equipment, different equipment to use in
7 the long run that will help everybody.

8 With that, I thank everyone again.

9 MAJORITY CHAIRMAN GINGRICH: And as
10 Chairman, I thank all the presenters. Thank you
11 to the members for being here, and thank you to
12 the prime sponsor of the bills for handling this
13 so well.

14 This hearing is adjourned.

15 (Whereupon, the hearing concluded.)
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CERTIFICATE

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the within proceedings and that this is a correct transcript of the same.

Tracy L. Markle,
Court Reporter/Notary