

House Labor and Industry Committee Hearing  
Testimony from Chris Norris, PennDOT  
September 14, 2016

**Safety in PennDOT**

Good Morning, Chairwoman Gingrich, Chairman Galloway, and Committee Members. Thank you for the opportunity to present testimony on House Bill 1082. PennDOT has a long standing history of a very active/effective Safety Program dating back to the early 1980's when the Employee Safety Division was created within the Bureau of Human Resources. When I started with PennDOT in 1995 in the Employee Safety Division, it was comprised of the division chief and five (5) analysts. There was also an analyst in each of our eleven (11) engineering districts that was performing safety functions part-time (approximately 50% or less). Over the past 21 years, the program has grown to include two (2) full-time positions in each of our engineering districts. Our Employee Safety Division, while removing several "administrative" functions that limited time directly allocated to safety initiatives, remains staffed at the same level. Essentially, our program has grown from approximately twelve (12) full-time equivalent positions to 28 positions during my time with the Department.

In addition to the personnel resources dedicated to safety, there are safety committees in our districts and counties that provide the "ground level" forum for discussion of safety related concerns or issues experienced by staff. Our District Safety Coordinators are active participants with these committees, and they resolve concerns locally or elevate issues as needed. We also have many safety related policies and programs to include such things as an Employee Safety Manual which each employee receives training on during new employee orientation, required daily safety talks for our field employees, safety stand-down days focused solely on safety related trainings, regular safety coordinator meetings, safety incentives, etc.

Finally, PennDOT has a long standing history of executive leadership support, with employee safety goals being part of our agency's strategic plan. This is not new, as we've had annual goals at the agency level since at least the early 1990's. Additionally, in recent years the department has held "Safety Summits", where cross-sections of the organization (from the working level to executive leadership) come together to discuss and identify safety initiatives and goals moving forward.

We track safety numbers through the use of national consensus standard rates. The injury rate represents the number of OSHA recordable accidents per 100 employees. We've continued to trend in a positive direction with this rate, with the past two FYs being two of our lowest rates on record.

I've been fortunate to work for PennDOT my entire career, most of which has been in the Bureau of Human Resources. I came up through the Employee Safety Division as an analyst, eventually serving as the Employee Safety Division

Chief. All told, I've spent nine plus years either directly in the Safety Division, or supervising the Employee Safety Program, and I never felt "a lack of support" in this area. Saying this, PennDOT is part of the larger Commonwealth enterprise/program. While I can't speak for other agencies, L & I requirements associated with employers that are self-insured for Workers' Compensation have established program requirements that put in place base-line guidance for employee safety programs. Since the Commonwealth is self-insured, these requirements apply to its agencies. While my experience in the Commonwealth has always been the fact PennDOT is a leader amongst state agencies with its safety program, AIPP requirements have helped the Commonwealth as a whole.

### **Safety in the Commonwealth Today**

The Commonwealth is subject to the regulations of the PA Workers' Compensation Act for self-insured employers. Those regulations require that all self-insured employers have an accident and illness prevention program (commonly referred to as AIPP), and those regulations identify the components that each agency must have in their safety programs. Those components are baseline items, and do not include OSHA requirements. All agencies meet these baseline standards.

The Bureau of Workers' Compensation does a paper compliance audit to ensure that policies are in place and that there is evidence of communications and training records.

The Commonwealth has implemented several safety initiatives over the last 15 years to improve safety. The most recent initiative began in 2013. Most safety improvement initiatives take between three and five years to see results. In fiscal year 2010/11, 6,336 injuries were reported (not including those that only required first aid), and there were only 4,995 reported in fiscal year 2015/16. This is more than a 20% reduction. Costs have also decreased, despite the rising costs of health care. Last fiscal year, costs decreased by \$8.5 million.

Success is attributed to the education provided to employees and supervisors, which is shifting the culture so that employees are considering safety in everything that they do.

### **HB 1082**

It's hard to say what HB 1082 would mean to organizations, as the language is "gray" enough to allow for exemptions upon request (and approval). If a concept would be put in place such as general AIPP requirements, I think there is positive impact for organizations, whether they have an established safety program or little to nothing in effect. Organizations would be traveling down a path of gradual development and growth to improve overall performance. However, if we have to engage in a lengthy waiver process every time an exception is being considered, I'm not sure this adds much value. If HB 1082 is strict OSHA compliance,

Commonwealth agencies will certainly incur costs, although I cannot estimate what the total impact would be.

In PennDOT, we would experience significant increases in costs associated with industrial hygiene and environmental monitoring, medical evaluations, trainings and record documentation, human resource needs to implement and monitor performance, etc.

As very small example, we do not test every worksite for decibel level readings, rather we educate and provide hearing protection for all employees. While this could be viewed as "overkill" in that some employees may not be exposed to hazardous noise, this approach does not meet the very strict requirements of OSHA for site specific exposure analysis.