



## PENNSYLVANIA STATE ASSOCIATION OF BOROUGHES

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**TO: House Labor & Industry Committee**  
**FROM: Ed Troxell, Director of Government Affairs**  
**DATE: September 14, 2016**  
**RE: House Bill 1082, OSHA Requirements for Public Employers**

The Pennsylvania State Association of Boroughs (PSAB) presents this memo for the committee's consideration as you begin the process of vetting House Bill 1082, sponsored by Representative Pat Harkins. **PSAB opposes House Bill 1082 (PN 1392) and respectfully requests members oppose advancing the bill.**

PSAB is a statewide, non-partisan, non-profit organization dedicated to serving 957 borough governments. Since 1911, PSAB has represented the interests of boroughs and helped to shape the laws that laid their foundation. The Association improves and assists local governments through legislative advocacy, research, education and other services. With more than 2.6 million Pennsylvanians residing in borough communities, our members strive to deliver quality leadership and service to citizens across the Commonwealth.

PSAB values the public employees of this Commonwealth. They provide our communities with invaluable services. Our members take their employees' safety very seriously. PSAB believes the currently system of protections for public employees is more than sufficient. Therefore, we believe House Bill 1082 would place an unnecessary unfunded mandate on taxpayers.

While proponents of the legislation point to the fact that public employees are not covered under the federal Occupational Safety and Health Act (OSHA), many protections already exist for local government employees. Specifically, local governments engage in risk management activities to help keep employees safe and keep their workers' compensation premiums low. Some local governments in Pennsylvania are self-insured for workers' compensation and must follow Department of Labor & Industry (L&I) regulations mandating worker safety programs, which include L&I certified worker safety committees.

Local governments must already meet safety and protection standards for certain types of employees. Police must meet Act 120 training, operators of heavy equipment and trucks must meet federal and state Commercial Driver's License (CDL) standards, employees that work on roadways must follow PennDOT safety regulations, such as flagger training and shadow vehicle requirements.

In addition, specific laws already require local governments to protect their employees. The Pennsylvania Worker and Community Right-to-Know Act (Act 159 of 1984) requires employers to inform employees of hazardous substances in the workplace. Public sector employers and private sector employers not covered by the OSHA Hazard Communication Standard must provide

an annual education and training program to employees exposed to hazardous substances.<sup>i</sup> L&I implements and regulates Act 159.

As you can see, Pennsylvania local government employees already have specific protections in place. We believe additional expenses and increased bureaucratic oversight is unnecessary and unwarranted. House Bill 1082 would create additional burdens for our members that will increase overhead expenses, increase labor costs, and expose the taxpayers to increased liabilities in the form of higher taxes. We do not believe the cost of implementing this bill would achieve a significantly better benefit to the current safety protocols already in place.

In closing, we respectfully ask the committee members **oppose House Bill 1082**. We wish to thank the committee for your consideration of our concerns with this legislation. Please feel free to contact me at [etroxell@boroughs.org](mailto:etroxell@boroughs.org) or at extension 1021 if you have questions on our position.

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<sup>i</sup> Department of Labor & Industry website, LIBC-262 Public Sector Worker and Community Right to Know Act, <http://www.dli.pa.gov/Pages/LIBC-262-Public-Sector-Worker-and-Community-Right-to-Know-Act.aspx>