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Senator Jarrett Coleman, Chair
Senate Intergovernmental Operations Committee
Harrisburg, Pennsylvania 17120

Dear Senator Coleman,

Thank you for allowing us to provide testimony on the proposed House Bill 299 establishing a Public Employee Occupational Safety and Health Act. The safety and health of all our City employees are a priority in all of our City operations. However, we strongly believe the passage of House Bill 299 will create an unneeded and undue hardship for our employees, the City, and the taxpayers. The safety and health of our employees is critical to our operations as well as to our life as a community, especially since the vast majority of our employees are required to live in Philadelphia.

Unlike the private sector firms currently regulated by federal OSHA, public entities are fundamentally different as they are not driven by a profit motive but by a vision of public service. The City, as well as many municipalities, actively engage in the latest risk management procedures to ensure compliance with Pennsylvania self-insurance regulations or per requirements enforced by insurance carriers. Should HB 299 pass, compliance with said regulations may limit and/or hinder our ability to approach risk in a wholistic manner as the City would be required to comply with onerous, even irrelevant, regulations.

Adopting and following the federal OSHA standards would not only require extensive reorientation of thousands of municipal workers, but would also be an expensive and administratively onerous, unfunded mandate on local governments. Local governments already have significant financial burdens, many of them exacerbated in Philadelphia's case by our large population experiencing poverty. Without full or significant state funding, the new excessive regulatory requirements would be financially burdensome with costs potentially entirely borne by City taxpayers. Fines for non-compliance with any standard would also place a significant burden on the City.

The requirement to come under OSHA standards also involves OSHA standards which are frequently out of date. Adopted in 1970, the vast majority of OSHA standards have not been updated since then, while modern safety guidance has continued to be regularly updated by various established consensus standard setting organizations. The City currently uses a mix of these existing and established consensus standards to protect our workers from hazards, using best practices but not necessarily by complying with specific language contained in OSHA standards.

This regulation would require the City to hire significant numbers of safety staff to carry out a larger, more regulatory oriented safety program. It would also require the retraining of workers and supervisors in operations and safety programs and would create lost time and lost productivity as workers would need to be taken offline to receive training.

The capital investment required to achieve compliance with OSHA regulations would be massive and would also take a significant amount of time to complete and be disruptive to the delivery of vital city services. The goal is very good, however, the process to get there will be lengthy, challenging, and costly.

The process of complying with OSHA standards and changing the City's facilities and hundreds of buildings will be time consuming and costly.

Respectfully Submitted

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