



**TESTIMONY BY
THE PENNSYLVANIA STATE ASSOCIATION OF
TOWNSHIP SUPERVISORS**

**BEFORE THE
SENATE INTERGOVERNMENTAL
OPERATIONS COMMITTEE**

ON

HB 299 (PN 962)

PRESENTED BY

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Good morning, Chairman Coleman, Chairwoman Tartaglione, and members of the Senate Intergovernmental Operations Committee. My name is Joe Gerdes and I am the Director of Government Relations at the Pennsylvania State Association of Township Supervisors (PSATS). Thank you for allowing me the opportunity to present remarks on behalf of the 1,454 townships of the second class represented by our association.

PSATS is a nonprofit, nonpartisan organization committed to preserving and strengthening township government and securing greater visibility and involvement for townships in the state and federal political arenas. Townships of the second class cover 95% of Pennsylvania's land mass and represent more residents — 5.7 million Pennsylvanians — than any other type of municipality in the commonwealth.

HB 299 would create a serious problem for municipal governments without providing measurable benefits in terms of worker safety. Township governments currently employ thousands of employees statewide and we cannot point to any data demonstrating that there is a safety issue, nor can you. PSATS has not seen any data showing that local government employees are safer in states that have adopted OSHA oversight.

We are genuinely concerned with federal government overreach, as creating a state plan would take control away from Pennsylvania to determine the best standards for commonwealth and local government employees and place it in the hands of a bureaucratic federal agency.

Worker safety is an issue that local municipalities take very seriously. Municipalities provide critical government services and must keep our first responders and public works employees safe. Most local governments are actively engaged in risk management activities and measures to protect their employees, such as workplace safety committees that also reduce the costs of liability and workers' compensation insurance. Townships must follow PennDOT's safety regulations for work zones, including certified flaggers. In many townships, elected township supervisors also serve as employees and any decisions on safety issues affect them as an employee.

OSHA was designed to protect private sector employees from unsafe workplaces caused by for-profit businesses cutting corners in the name of profit. For townships, there is no profit, only providing a safe and reliable transportation system, water and wastewater infrastructure, and critical public safety services. As currently written, costs to implement additional safety procedures and retrofitting of buildings and equipment would fall on taxpayers, as would substantial fines for failing to file a certain form or post a certain sign. As such, PSATS must oppose this unfunded mandate unless the commonwealth provides full funding and eliminates punitive fines.

What would such OSHA oversight look like in Pennsylvania? There are thousands of pages of OSHA regulations. In one requirement, OSHA regulations would prevent employees from walking through truck bay doors and require them to use a person-size door even if it is 80 feet away and on the other side of the building. This single requirement would be difficult in winter with plow trucks and require a path be cleared to the door before the employee could begin to prepare the plow truck to treat roads and winter conditions.

OSHA was not written with public sector workplaces in mind and the experiences of other states with similar plans show the true costs to implement. In New Jersey, a single inspection cost one township \$78,400 in fines. A borough was recently served \$84,000 in penalties, with multiple thousand-dollar fines issued for not utilizing the correct OSHA forms. In the private sector, the risk of fines may keep bad actors in line, in these instances, it only hurts taxpayers.

Beyond municipalities, the legislation would also impose OSHA coverage on nonprofit fire and EMS providers, and any other nonprofit that receives government funds. Volunteer fire departments and nonprofit EMS provide critical services to communities and are increasingly in crisis due to challenges with funding and staffing. Other State Plans show the financial burden that violations impose on our first responders: an EMS authority in Maine was recently issued \$2,100 in fines related to training while a fire department in Connecticut was penalized \$2,660, including OSHA violations for incorrectly placing and identifying their fire extinguishers.

By its very nature, first responder and public works positions can put our employees in dangerous situations. We can follow all safety procedures to create a safe work zone, but that won't prevent a drunk or reckless driver from failing to stop. We can give our police training, backup, bullet proof vests, and all required equipment, but this won't stop a felon from shooting at responding officers. It is not possible to make a burning building safe.

Last month, in NorthEast Township, Erie County, a volunteer firefighter was directing traffic due to a two-vehicle crash when he was struck and killed by an unlicensed driver traveling at a high rate of speed who allegedly "maneuvered his vehicle toward the victim" before hitting him. Two years ago, a firefighter was killed in Lower Merion Township, Montgomery County when responding to a DUI crash on Interstate 76. He was struck by an out-of-control driver rounding one of the firetrucks blocking the road on the shoulder. These fatalities are the reason that legislation such as the Move Over Law was passed and would not have been prevented by OSHA coverage.

The General Assembly requires that local governments provide generous benefits to our emergency responders to recognize the risks that they face, including expanded Workers' Compensation coverage for police officers and firefighters.

This bill would tie Pennsylvania to OSHA standards as a minimum. It would give a tremendous amount of power to unknown bureaucrats in Washington to determine future policies. Anytime OSHA develops new standards or adopts new enforcement policies, whether the legislature agrees with them or not, state plans are required to adopt the same or as effective standards. During the pandemic, this created an unacceptable situation for many states when OSHA required mandatory vaccinations for employees and ordered states to include this provision in their plans. The result was a lawsuit from several impacted states.

Thank you for the opportunity to testify today. We are willing to work with the committee and the sponsor on alternative, more effective means of increasing safety for our employees