

TESTIMONY

OF

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THE PENNSYLVANIA AFL-CIO

ON

PUBLIC SECTOR OSHA

BEFORE THE

SENATE DEMOCRATIC POLICY COMMITTEE

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Introduction

Good morning Chairwoman Tartaglione and members of the Senate Democratic Policy Committee. My name is Rick Bloomingdale, and I am the President of the Pennsylvania AFL-CIO. I am here today on behalf of our affiliated labor organizations and the 700,000 working members that we represent.

Thank you for the opportunity to present testimony to you today regarding the significance of Senate Bill 310, which would extend OSHA (Occupational Safety and Health Administration) protections to nearly 576,000 public employees across the Commonwealth. Currently, public sector employees in Pennsylvania do not receive the same worker protections and workplace safety standards as their counterparts who are often doing the same jobs in the private industry.

It is a fundamental right of all employees to work in an environment that is safe. This legislation would extend OSHA safety rules and enforcement to public employers across the Commonwealth, including all legal political subdivisions, public schools, public transit systems, and non-profit organizations.

History

In 1970, Congress enacted the Occupational Safety and Health Act to ensure there was an enforced standard of workplace conditions for working men and women across the United States. In the 50 years since it was adopted, American workers have seen the success of OSHA standards through the enforcement of safer policies and protocols, in addition to providing training, outreach, education, and assistance. Since the Occupational Safety and Health Administration's inception, the improvement in workplace safety has been dramatic.

OSHA safety and health standards have prevented countless work-related injuries, illnesses, and deaths. It has been a success story. The Occupational Safety and Health Act (OSHA, 1971) is a federal law that only covers private sector workers. Employees for state, county, and municipal governments are not currently protected under OSHA. Of the more than 5.8 million workers across Pennsylvania, more than 576,000 workers employed by state and local governments do not have safety and health protections on the job; that's nearly one in ten Pennsylvania workers who enter workplaces every day without the same right to safety that their private sector

colleagues have. 28 states have passed state laws enacting OSHA style protections for their public workers – Pennsylvania must be the next.

Urgent Need / Worker Fatality

Consider this, a private contractor and a PennDOT worker are injured on a job on the same highway using the same equipment – the private contractor is covered by OSHA and the PennDOT worker is not. Public-sector workers like first responders, PennDOT workers, healthcare workers, and educators serve the public good while experiencing higher rates of injury, illness, and fatality.

According to the National AFL-CIO's 2019 Death on the Job Report, state and local public-sector employees are 64% more likely to be injured on the job than private-sector workers. Public sector workers face higher rates of workplace violence in comparison to workers in the private sector, with an incidence rate of 745% higher for state employees and 535% higher for local government workers. When fatalities occur, due to the lack of reporting requirements and regulatory protections, families are often left with unanswered questions and face serious difficulties getting answers and closure.

On top of the standard workplace health and safety issues that public sector employees face, we now must factor in the impact that COVID-19 has posed on our unprotected workforce. While we cannot presently know the full impact of the COVID-19 pandemic on workplace health and safety, the preceding years do not bode well for outcomes. We know the challenges faced in Pennsylvania's nursing and residential care homes have been front and center of the pandemic's destructive impact on communities, residents, and workers.

In its previous introductions, public sector OSHA legislation has been called the Jake Schwab Worker Safety Bill. It is named after an Erie Metro Transit Authority mechanic who was tragically killed on the job. Sadly, Jake was not the last public sector worker to be killed or injured on the job. Earlier this month, a 38-year-old worker, *Cody Gipprich*, at the West Berks Water Authority in Reading, Berks County, died in a concrete pit after a pipe burst, while his colleagues and bystanders tried to save him. There have been many workers who have suffered injuries and fatalities on

the job in the years between Jake and Chip, but the lack of guaranteed safety and health protections implies that information on these tragic incidents is not recorded or tracked.

Public Industry Impact Review

According to the National AFL-CIO's Annual Death on the Jobs report, in 2016, state and local public-sector employers reported an injury rate of 4.7 per 100 workers, which is significantly higher than the reported rate of 2.9 per 100 among private-sector workers.

Certain health care and protective service occupations have incidence rates for injury and illness cases leading to days away from work that far exceed their private-sector counterparts. These include psychiatric aides, psychiatric technicians, firefighters, emergency medical technicians and paramedics, nursing assistants, police and sheriff's patrol officers, licensed practical and licensed vocational nurses, and registered nurses. The incidence rate of psychiatric aides in state government in 2017 (1,160.7 cases per 10,000 full-time workers) was more than seven times greater than the incidence rate for all state government workers (143.8 cases).

As shameful conditions in school facilities have persisted without comprehensive remediation, facilities' needs have continued to increase. COVID-19 has only exacerbated many of the existing needs within buildings, specifically around air quality and ventilation. The American Society of Civil Engineers in their most recent report gives Pennsylvania's overall school infrastructure a "C-".

Facing a lack of Public Sector OSHA regulations, public employees that work in these facilities are exempt from the standard workplace protections that are provided to others through OSHA – leaving them to work in dangerous conditions that expose them to deadly toxins and contaminants, with little support or recourse. Many schools have been forced to put Band-Aid fixes on infrastructural issues that need major repairs. In Pennsylvania schools, children have experienced lead poisoning, and some educators and staff are showing the fatal and irreversible impact that asbestos leaves behind.

Pennsylvania workers at state and local government agencies face a disproportionate amount of workplace safety incidents and illnesses. The numbers relating to workplace violence and Musculoskeletal Disorders (MSDs) are particularly alarming. Workplace violence events disproportionately occur among public employees. The incidence rate of injuries caused by workplace violence was more than 861% higher for state government workers (36.5 per 10,000 workers) than the rate for private industry workers (3.8). The incidence rate of violence for local government workers (21.8 per 10,000 workers) was 474% higher than for private industry workers. In 2016, the incidence rate for state government workers was 40.3 MSDs per 10,000 full-time workers, 37% higher than the private industry rate (29.4). The incidence rate for local government workers was 44.7 MSDs per 10,000 full-time workers, 52% higher than the private-sector rate.

State correctional officers and local sheriff's patrol officers continue to be at great risk of work-related injuries and illnesses. Correctional officers experienced 17% of the total state government cases of injuries and illnesses in 2016, with an incidence rate of 450.8 cases per 10,000 workers. Sheriff's patrol officers experienced 15% of all cases of the total local government cases of injuries and illnesses in 2016, with an incidence rate of 515.9 cases per 10,000 workers.

Reporting Process

Several years ago, OSHA began requiring federal employers to report injuries and illnesses in the same method as the private sector. However, data on federal government workers remains publicly unavailable. OSHA's standard on electronic injury reporting must be defended and implemented, making the data collected publicly available. The new anti-retaliation protections for workers who report injuries must be fully enforced.

Under this legislation, the benefits accruing to the state employees may be obvious. What state employers stand to gain may not be as clear. It is constructive to understand the advantages of this bill to employers, as well. Injuries, illnesses, and deaths in the workplace are costly financially and in human terms. Employers lose

countless hours of productivity to illness and injuries that a safe workplace could easily reduce.

While this is the case in the private sector, it can easily be translated as applying to the public sector. The latest figures from the Bureau of Labor Statistics indicate that lost-time injuries are about twice as frequent for public employees as for private sector workers. That alone is a tremendous cost to the public employers and completely preventable.

Conclusion

Ensuring that every Pennsylvania worker has safe and healthy working conditions are more important now than ever. As we build back to make public facilities across the Commonwealth better suited to address reopening post-COVID, we are presented with an opportunity that also addresses some of the unhealthy and unsafe structural issues that many public sector workers in these facilities face. President Biden's American Rescue Plan has already allocated or called for COVID-safety and infrastructural investments to be apportioned towards the remediation of facilities that would dually address some of the one-time costs associated with implementing public sector OSHA in Pennsylvania.

While we fight to ensure that all workers are able to work in a safe and healthy environment, we have the skilled labor to ensure that the jobs are done right. By making this much needed investment, we are not only giving public sector workers a fair, safe, and healthy environment to work in for decades to come – we are also helping to stabilize our local economies, our environmental impact, and our children's' futures.

Senate Bill 310 requires the state and its political subdivisions to provide the same type of protection for the employees of its public sector as the federal government requires for Pennsylvania's private sector employees. The Commonwealth should promote this plan for the development and enforcement of occupational safety and health standards with respect to public employers and employees, in accordance with section 18(b) of the Occupational Safety and Health Act of 1970, and the Secretary of Labor and Industry should be empowered to enact regulations to administer and enforce this act.

On behalf of the 700,000 hardworking people that the Pennsylvania AFL-CIO represents, we strongly support Senator Tartaglione's Senate Bill 310, and we strongly encourage you to do so on behalf of public sector workers across our state and in your districts at home.