



**Testimony of the
Pennsylvania State Education Association (PSEA)**

**Public Hearing Regarding
Public Sector OSHA**

**Presented to the
Senate Democratic Policy Committee**

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By

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Good morning, Chairwoman Muth, Senator Tartaglione, and members of the Senate Democratic Policy Committee. My name is Jeff Ney. I am a 20-year educator at an elementary school in the Wilkes-Barre Area School District, and I currently serve as treasurer of the Pennsylvania State Education Association (PSEA). PSEA represents more than 178,000 future, active, and retired teachers, support professionals, and health care workers in Pennsylvania. On behalf of our members, thank you for inviting me here today to address the Committee on the importance of workplace health and safety and the need to adopt the Public Employees Occupational Safety and Health Act.

PSEA lauds Senator Tartaglione for her tireless leadership over the years to extend critical Occupational Safety and Health Administration (OSHA) protections to public employees in Pennsylvania. Senate Bill 310 is the latest vehicle for this effort, and it is essential to ensure that individuals employed by state and local government entities receive the same workplace protections as their counterparts working in the private sector. Even though OSHA regulations have protected private sector workers for more than half a century, public sector workers in Pennsylvania are not covered by federal guidelines for on-the-job safety. It is long past time for Pennsylvania to join most states in adopting rules to protect public sector employees.

If enacted, the common-sense protections contained in SB 310 will also ensure that our students have a safe and healthy educational environment - which is the most basic and indispensable factor in fostering academic excellence. **School employees' working conditions are students' learning conditions.** Health hazards caused by the disrepair of school facilities can have a profound impact on student and staff health, behavior, and overall engagement in teaching and learning. PSEA believes that clean air, proper ventilation, appropriate climate control, and clean water are essential to a healthful learning environment.

Further, the Association believes that students and staff must be protected from all potentially hazardous substances, and that standards and safeguards must be established for the prevention and elimination of health hazards in public schools. If contact with hazardous materials is necessary to fulfill a school employee's responsibilities, the employer must provide proper instruction in, and assistance with, the identification, correct labeling, proper storage, and safe disposal of potentially hazardous substances. In the absence of OSHA protections, however, too many public employees are not provided with these safeguards, and they feel powerless to address their unsafe work environment.

Throughout Pennsylvania, too many of our public schools consistently experience indoor air quality issues such as insufficient or poorly maintained and operated ventilation systems; fumes created by cleaning and other hazardous chemicals; and

other indoor and outdoor sources of danger such as pesticides, radon, lead, and asbestos. The aging infrastructure of our school buildings is a significant contributor to increased asbestos exposure, which has been clearly linked to mesothelioma. According to a study by the National Center for Health Statistics, employees in elementary and secondary schools were the employees second most impacted by mesothelioma deaths – even higher than workers in industries known for frequent asbestos exposure risks.

Most often, PSEA members report indoor air quality concerns - primarily exposure to toxic mold - as the most prevalent hazard that our students and school employees experience during the school year. Here is just one specific example: during the time I served as a local union leader, my colleagues shared concerns about work-related asthma, citing new or aggravated symptoms they experienced while at work, but which would go away when they left the workplace. We approached our employer to relay these complaints, and to request an investigation into potential workplace hazards that could be affecting employees' health, comfort, and ability to perform their job functions. Essentially, the employer responded by asking what test to use to identify possible contaminants in the air. This response was so telling of how inadequate current occupational health and safety laws and measures are in Pennsylvania's public sector, because the employer did not even realize that there is no single test to identify an indoor air quality problem.

And again, this isn't something that just affected the employees in the building. This issue also affects the students we teach and care for during the day. Indoor air pollution can have significant and harmful health effects which have been linked to chronic student absenteeism and learning gaps. These realities cause additional stress and worry among the teachers and support staff who have devoted their lives to the wellbeing of children.

Rather than conduct an "air test," OSHA guidance states that employers should check measurements of temperature, humidity, and air flow; inspect ventilation, heating, and cooling systems; and conduct building walk-throughs to check for odors, water damage, leaks, standing water, and pest droppings, among other things. Had public sector OSHA rules been in place, both our employer and the employee organization would have been able to rely upon federal standards and guidelines to inform the most appropriate course of action. Also, had public sector OSHA rules been in place, we would have been able to rely upon specific procedures, time-limits, and enforcement mechanisms to ensure our workplace would be brought into compliance. In the simplest and most fundamental sense, had OSHA protections been in place, my coworkers and I would have been assured a place of employment free from recognized hazards that are

causing or are likely to cause death or serious physical harm. This is not an unreasonable expectation.

Like me, so many public employees are shocked to learn that these basic protections don't apply to them or to their place of employment. That is why PSEA remains strongly committed to enacting Senate Bill 310.

In my current statewide role, I have heard from countless members about the hazards that exist in the schools in which they work. Reports of even the most obvious or egregious hazards are primarily anecdotal, and one reason is that public employers in Pennsylvania are not bound by the same reporting and record-keeping requirements as their private sector counterparts. Unfortunately, this means that far too many hazards go unaddressed until after a preventable tragedy has occurred. That is, if they are addressed at all.

Throughout PSEA's long history of advocating for workplace health and safety, we've heard opponents argue that implementing OSHA standards in the public sector would place an undue cost and compliance burden on employers. Opponents also contend that the need for legislation like Senate Bill 310 has not been sufficiently demonstrated by data showing that a genuine workplace safety or health problem exists in the public sector. But for PSEA members, the evidence is overwhelming, and the need is undeniable. We have a collective duty to ensure the health and safety of Pennsylvania's students, and of the public employees who educate and support them, no matter what the cost.

PSEA stands ready to work with lawmakers and stakeholders to find solutions to address any legitimate concerns or challenges that have stalled progress toward this goal. We will continue to advocate for the funds necessary to ensure the successful implementation, oversight, and enforcement of OSHA-style standards in Pennsylvania's public sector. Simultaneously, PSEA will continue to advocate for resources and programs to assist school employers in undertaking facility maintenance and repairs that are necessary to bring infrastructure into good overall condition.

As always, we are so grateful for your partnership and attention to these critical issues. I'm happy to answer any questions you might have.