

# Committee Report

**REGULAR CALENDAR**

**February 17, 2021**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Labor, Industrial and Rehabilitative Services to which was referred HB 448, establishing a committee to study and compare federal Occupational Safety and Health Act standards with the safety and health standards the New Hampshire department of labor uses for public sector employees.**

**WITHOUT RECOMMENDATION**

## COMMITTEE REPORT

Committee:	<b>Labor, Industrial and Rehabilitative Services</b>
Bill Number:	<b>HB 448</b>
Title:	<b>establishing a committee to study and compare federal Occupational Safety and Health Act standards with the safety and health standards the New Hampshire department of labor uses for public sector employees.</b>
Date:	<b>February 17, 2021</b>
Consent Calendar:	<b>Regular Calendar</b>
Recommendation:	<b>WITHOUT RECOMMENDATION</b>

**Statement in support of Ought to Pass:** Half of the committee members support an Ought to Pass motion. We believe that the NH Department of Labor will gain great benefit from a study comparing OSHA standards to the department's safety and health standards currently used for public sector employees. At the very least it will provide insight as to where improvements can be made in the department standards. It may further allow the legislature to make a fully informed decision in the next session whether to create a state OSHA plan for public sector workers. We believe that worker safety is a critically important issue for both private and public sector employers and employees.

Rep. Brian Sullivan

**Statement in support of Inexpedient to Legislate:** This bill would seek to establish a study to compare OSHA standards with NH standards of the Department of Labor for public sector employees. This bill raises concern for reasons of excessive costs to municipalities.

Rep. Gregg Hough

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

Labor, Industrial and Rehabilitative Services

**HB 448**, establishing a committee to study and compare federal Occupational Safety and Health Act standards with the safety and health standards the New Hampshire department of labor uses for public sector employees. **WITHOUT RECOMMENDATION**

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# Voting Sheets

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

EXECUTIVE SESSION on

BILL TITLE: HB 448 study Committee for OSHA standards

DATE: 2/11/21

LOB ROOM:

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_
- Interim Study (2nd year) (if offered)

Moved by Rep. Hough Seconded by Rep. Turcotte Vote: 10-10

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_
- Interim Study (2nd year) (if offered)

Moved by Rep. Adjutant Seconded by Rep. Bouchar Vote: 10-10

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_
- Interim Study (2nd year) (if offered)

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_
- Interim Study (2nd year) (if offered)

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

CONSENT CALENDAR: \_\_\_\_\_ YES \_\_\_\_\_ X NO

Minority Report? \_\_\_\_\_ Yes \_\_\_\_\_ No If yes, author, Rep: \_\_\_\_\_ Motion \_\_\_\_\_

OTP - Sullivan  
ITL - Hough

Respectfully submitted:

Rep Jonathan Mackie, Clerk



2021 SESSION

Labor, Industrial and Rehabilitative Services

Bill #: HB 448 Motion: RTL AM #: \_\_\_\_\_ Exec Session Date: 2/11/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Infantine, William J. Chairman		10	
Seaworth, Brian Vice Chairman	1		
<del>Avellani, Lino M.</del> Melvin	9		
Callum, John M.	2		
Mackie, Jonathan D. Clerk	3		
Nunez, Hershel	4		
Warden, Mark	5		
Turcotte, Leonard P.	6		
<del>Prout, Andrew J.</del> Torosian	10		
Boyd, Stephen E.	7		
Hough, Gregg	8		
Sullivan, Brian M.		1	
Soucy, Timothy A.		2	
Barody, Benjamin C.		3	
Cahill, Michael D.		4	
DiSilvestro, Linda A.		5	
Schmidt, Janice E.		6	
Toomey, Dan		7	
Bouchard, Donald J.		8	
Adjutant, Joshua		9	
<b>TOTAL VOTE:</b>	10	10	



2021 SESSION

Labor, Industrial and Rehabilitative Services

Bill #: HS 448 Motion: OTF AM #: \_\_\_\_\_ Exec Session Date: 2/11/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Infantine, William J. Chairman	10		
Seaworth, Brian Vice Chairman		1	
<del>Avellani, Lino M.</del> Melvin		9	
Callum, John M.		2	
Mackie, Jonathan D. Clerk		3	
Nunez, Hershel		4	
Warden, Mark		5	
Turcotte, Leonard P.		6	
<del>Prout, Andrew J.</del> Torosian		10	
Boyd, Stephen E.		7	
Hough, Gregg		8	
Sullivan, Brian M.	1		
Soucy, Timothy A.	2		
Baroody, Benjamin C.	3		
Cahill, Michael D.	4		
DiSilvestro, Linda A.	5		
Schmidt, Janice E.	6		
Toomey, Dan	7		
Bouchard, Donald J.	8		
Adjutant, Joshua	9		
<b>TOTAL VOTE:</b>	10	10	



# Public Hearing

**HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES**

**PUBLIC HEARING ON**

**BILL TITLE:** HB 448 establishing a committee to study and compare federal Occupational Safety and Health Act standards with the safety and health standards the New Hampshire department of labor uses for public sector employees

**DATE:** 1/28/21

**ROOM:** **Time Public Hearing Called to Order: 1:02**

**Time Adjourned: 1:30**

(members high-lighted in red were absent)

**Committee Members:** Reps. Infantine, Seaworth, Mackie, Avellani, Callum, **Nunez**, Warden, Turcotte, Prout, Boyd, Hough, Sullivan, Soucy, Baroody, Cahill, DiSilvestro, J. Schmidt, Toomey, Bouchard and Adjutant

**Bill Sponsors:** Rep. Sullivan, Rep. M. Pearson, Rep. Merner, Rep. Welch, Rep. Myler, Rep. Schultz, Rep. Schuett, Rep. Goley, Rep. Long, Sen. Cavanaugh

**TESTIMONY**

\* Use asterisk if written testimony and/or amendments are submitted

Sponsor Rep. Sullivan introduced the bill. It authorizes a study committee to look into the differences between OSHA regulations and the current Department of Labor safety and health regulations for public sector workers. This study would be to look into how OSHA regulations could be implemented for public sector workers. There is federal money available for implementation. Adopting the OSHA standards would result in better worker safety. Implementation would take several years if we were to commit to this.

\*Susie Nord from the National Council for Occupational Safety and Health testified in favor of the bill. The state does the best it can with its resources, but federal OSHA can provide more robust programs and investigations. The federal government is better equipped to deal with constantly changing work situations and environments.

Rudy Ogden deputy commissioner of labor expressed that the department is neutral on the bill. A study committee would be an important first step in implementing this.

Jim Durkin of AFMSE expressed support for the bill.

Samantha Wooten testified in favor of the bill. She explained that her father was killed while working for the town of Northfield. He was crushed between a loader bucket and a trailer. She explained that she doesn't blame the state for the investigation that was done, but realizes they just don't have the resources for the kind of reconstruction that is necessary to fully investigate this kind of accident. She feels that if it had been investigated by OSHA there would have been a more thorough investigation, including accident reconstruction and more could have been learned from that to prevent such accidents in the future.

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# House Remote Testify

## Labor, Industrial and Rehabilitative Services Committee Testify List for Bill HB448 on 2021-01-28


Support: 21 Oppose: 0 Neutral: 1 Total to Testify: 3

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Sullivan, Brian	briansullivannh@gmail.com	An Elected Official	Myself	Support	Yes (0m)	No	1/21/2021 3:23 PM
Ogden, Rudolph	rudolph.w.ogden@dol.nh.gov	State Agency Staff	New Hampshire Department of Labor	Neutral	Yes (0m)	No	1/28/2021 7:57 AM
Nord, Susi	susi@nationalcosh.org	A Member of the Public	Myself	Support	Yes (0m)	No	1/26/2021 6:40 PM
Kinney, Rev. Dr. Gail	gailhrdi@aol.com	A Member of the Public	NH Conference, United Church of Christ, Economic Justice Team	Support	No	No	1/27/2021 1:39 PM
Tiernan, Cullen	ctiernan@seiu1984.org	A Member of the Public	SEA / SEIU 1984	Support	No	No	1/27/2021 4:03 PM
Schuett, Dianne	dianne.schuett@leg.state.nh.us	An Elected Official	CoSponsor (Merr. 20)	Support	No	No	1/27/2021 6:32 PM
Rathbun, Eric	ericrathbun@gmail.com	A Member of the Public	Myself	Support	No	No	1/27/2021 9:56 PM
Foley, Mary Ellen	mefrsm@comcast.net	A Member of the Public	Myself	Support	No	No	1/28/2021 10:04 AM
Long, Pat	long55@comcast.net	An Elected Official	Constituents	Support	No	No	1/28/2021 10:11 AM
Petit, mason	mpetit@seiu1984.org	A Lobbyist	SEA/SEIU1984	Support	No	No	1/28/2021 11:39 AM
Durkin, James	jdurkin@afscme93.org	A Lobbyist	AFSCME Council 93	Support	No	No	1/28/2021 1:13 PM
Hawkins, Brian	bhawkins@nhnea.org	A Lobbyist	NEA-NH	Support	No	No	1/28/2021 1:00 PM
Schultz, Kristina	kris.schultz@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/28/2021 1:29 PM
Fordey, Nicole	nikkif610@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2021 1:44 PM
Pyer, Larissa	larissa.pyer@gmail.com	A Member of the Public	Myself	Support	No	No	1/26/2021 4:54 AM
Boyle, Mary	mary.n.boyle@gmail.com	A Member of the Public	Myself	Support	No	No	1/25/2021 3:42 PM
Ballard, Larry	larryballard@mac.com	A Member of the Public	Myself	Support	No	No	1/26/2021 6:27 AM
Oxenham, Evan	evan.oxenham@gmail.com	A Member of the Public	Myself	Support	No	No	1/25/2021 4:12 PM
Mott-Smith, Wiltrud	wmottsm@worldpath.net	A Member of the Public	Myself	Support	No	No	1/25/2021 7:47 PM

Oxenham, Lee	leeoxenham@comcast.net	An Elected Official	Sullivan Co., District 1	Support	No	No	1/25/2021 6:25 PM
Stadtman, Judith	judy.stadtman@gmail.com	A Member of the Public	Myself	Support	No	No	1/26/2021 6:09 AM
Brackett, Glenn	communications@nhaficio.org	A Lobbyist	The working people of the NH AFL-CIO	Support	No	No	1/26/2021 2:56 PM

# Testimony

**Archived:** Thursday, April 15, 2021 2:36:55 PM  
**From:** Susi Nord  
**Sent:** Thursday, January 28, 2021 1:29:12 PM  
**To:** ~House Labor, Industrial and Rehabilitative Services  
**Subject:** HB 448 written testimony  
**Importance:** Normal  
**Attachments:**  
[2021-01-28 HB448 testimony National COSH.pdf](#) 

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To the Committee-

Thank you for the opportunity to testify on HB448 this afternoon. I am sending a copy of my written testimony for your review. I would also hope a copy could be placed in the permanent record.

Respectfully,  
Susi Nord

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**Susi Nord** (she/ella)  
**Communications / Conference Administrator**  
National Council for Occupational Safety and Health (National COSH)  
[www.nationalcosh.org](http://www.nationalcosh.org)  
(603) 548-0808





**NATIONAL COUNCIL FOR  
OCCUPATIONAL SAFETY AND HEALTH**  
CONSEJO NACIONAL DE SALUD Y SEGURIDAD OCUPACIONAL



January 27, 2021

Representative William Infantine, Chair  
Labor, Industrial and Rehabilitative Services Committee  
Legislative Office Building Room 307  
Concord, NH 03301

Dear Chairman Infantine:

I am writing to you on behalf of the National Council for Occupational Safety and Health (National COSH). Our mission is to advance worker health and safety through training, education, research and advocacy. National COSH supports HB 448 because public workers deserve the same protection as workers in the private sector.

Currently the New Hampshire Department of Labor has jurisdiction to oversee workplace health and safety for public sector employees. In fact, this committee passed HB 406 in 2019 which put that jurisdiction into statute, but it has been in administrative rules for decades. The benefit of a federally approved OSHA State Plan is that it enables NHDOL to take advantage of the resources of the federal government to better protect our public sector workers. These resources include matching funds for what we are already spending on OSH oversight; research and development of up-to-date standards as well as support for a consultation program to help public employers assess their own health and safety programs or develop one if needed. When this committee heard NHDOL's testimony on HB 406, the Deputy Commissioner said several times that NHDOL does the best they can with limited resources. The Committee created by this bill will work to quantify what is currently in NHDOL rules, what public employers are already doing to protect workers and what is needed to bring our efforts up to the federal requirements of private employers.

It is already policy in the state of New Hampshire that public employees who often do some of the most dangerous jobs in the state are protected by common sense policies and standards as their neighbors and friends in the private sector are by the federal OSHA. Public employees make up approximately 15% of NH's workforce and face the same hazards as their private sector counterparts. This bill would enable the state of New Hampshire to make sure our small towns have resources to know and understand how best to protect their workers and it would give the NHDOL the resources it needs to do a better job overseeing the health and safety of our state, county and municipal employees.

I ask that you vote HB 448 ***ought to pass*** and protect thousands of NH workers.

Respectfully,

Susi Nord  
National Council for Occupational Safety and Health

CC: Committee Members, Permanent Record

Bill as  
Introduced



HB 448 - AS INTRODUCED

2021 SESSION

21-0687

04/10

HOUSE BILL **448**

AN ACT establishing a committee to study and compare federal Occupational Safety and Health Act standards with the safety and health standards the New Hampshire department of labor uses for public sector employees.

SPONSORS: Rep. Sullivan, Sull. 1; Rep. M. Pearson, Rock. 34; Rep. Merner, Coos 7; Rep. Welch, Rock. 13; Rep. Myler, Merr. 10; Rep. Schultz, Merr. 18; Rep. Schuett, Merr. 20; Rep. Goley, Hills. 8; Rep. Long, Hills. 10; Sen. Cavanaugh, Dist 16

COMMITTEE: Labor, Industrial and Rehabilitative Services

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ANALYSIS

This bill establishes a committee to study and compare federal Occupational Safety and Health Act standards with the safety and health standards the New Hampshire department of labor uses for public sector employees.

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struckthrough.]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT                    establishing a committee to study and compare federal Occupational Safety and Health Act standards with the safety and health standards the New Hampshire department of labor uses for public sector employees.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1            1 Committee Established. There is established a committee to study and compare federal  
2 Occupational Safety and Health Act standards with the safety and health standards the New  
3 Hampshire department of labor uses for public sector employees.

4            2 Membership and Compensation.

5                I. The members of the committee shall be as follows:

6                    (a) Three members of the house of representatives, appointed by the speaker of the  
7 house of representatives.

8                    (b) Three members of the senate, appointed by the president of the senate.

9                II. Members of the committee shall receive mileage at the legislative rate when attending to  
10 the duties of the committee.

11            3 Duties. The committee shall:

12                I. Compare OSHA safety and health standards to the standards used by the New  
13 Hampshire department of labor for public sector workers. The committee shall also survey public  
14 sector employers in New Hampshire to gain insight into the impact of adopting a state OSHA plan  
15 which would require public sector employees to be covered by health and safety standards that meet  
16 or exceed OSHA standards. Where possible the committee should also seek to learn to what degree  
17 some public sector employers are applying safety and health standards that may exceed what is  
18 currently required by the department of labor.

19                II. Identify the approximate amount of funding that will be annually provided by the United  
20 States Department of Labor and explore how the New Hampshire department of labor could utilize  
21 that funding to offset its own expenditures.

22                III. Seek assistance from the New Hampshire department of labor in conducting the  
23 comparison of standards and the employer survey. The committee may also solicit advice and  
24 testimony from any individual or organization with information or expertise relevant to the  
25 committee's objective.

26            4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from  
27 among the members. The first meeting of the committee shall be called by the first-named house  
28 member. The first meeting of the committee shall be held within 45 days of the effective date of this  
29 section. Four members of the committee shall constitute a quorum.

**HB 448 - AS INTRODUCED**

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1           5 Report. The committee shall report its findings and any recommendations for proposed  
2 legislation to the speaker of the house of representatives, the president of the senate, the house  
3 clerk, the senate clerk, the governor, and the state library on or before November 1, 2022.

4           6 Effective Date. This act shall take effect upon its passage.