HB 303-FN - AS INTRODUCED

2025 SESSION

25-0450
06/08

HOUSE BILL ***303-FN***

AN ACT relative to requiring the department of labor review and adopt workers' occupational safety requirements that are similar to OSHA standards.

SPONSORS: Rep. B. Sullivan, Sull. 1; Rep. Bouchard, Hills. 24; Rep. Girard, Sull. 6; Rep. MacKenzie, Hills. 40

COMMITTEE: Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill:

I. Requires state employers to adhere to OSHA-level safety standards.

II. Authorizes the commissioner to adopt rules, review standards annually, and update them as needed.

III. Provides for the hiring of up to 6 labor inspectors and one support staff to enforce these standards.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

25-0450
06/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to requiring the department of labor review and adopt workers' occupational safety requirements that are similar to OSHA standards.

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

1 Health and Safety of Employees; Incorporation of OSHA Standards. Amend RSA 277:1 to read as follows:

277:1 Application. This chapter shall apply to all places of employment in which one or more persons are regularly employed. ***Employers shall provide employees a level of protection that is at least as effective as the level of protection set forth in rules adopted pursuant to RSA 277:16.***

2 New Paragraph; Rulemaking; OSHA Standards. Amend RSA 277:16 by inserting after paragraph II the following new paragraph:

III. The commissioner shall adopt such rules, under RSA 541-A, as the commissioner deems reasonable and necessary in order to implement standards that are at least as effective as the level of protection provided under the federal Occupation Safety and Health Administration standards found in 29 C.F.R. part 1910 D through Z, with the exception of subparts U, V, W, and X.

(a) The commissioner shall have authority to determine if standards are inapplicable to employers and are unnecessary to implement. The commissioner shall also have authority to determine the timing and priority of implementation of standards through rulemaking. However, the standards implemented shall be at least as effective as those applicable standards contained within 29 C.F.R. part 1910 D through Z, with the exception of subparts U, V, W, and X, within 3 years from the effective date of this paragraph.

(b) The commissioner shall, on an annual basis, review implemented standards and the need for implantation of additional standards and, through rulemaking, shall update such standards as necessary. The commissioner shall maintain record of annual reviews, inclusive of rational relative to standards reviewed. The commissioner shall make available such record of annual review to any interested party on request.

(c) The commissioner shall make recommendation to the legislature for statutory amendment to RSA 277 when such amendment is identified as necessary following annual review of standards.

3 Additional Staffing Requirement. The labor commissioner may establish up to 6 additional full-time, classified labor inspector positions, at labor grade 22, as well as one full-time classified support position, at labor grade 19. The salary and benefits costs for the positions, in addition to equipment, current expenses, rent, or contract costs necessary to implement this act, shall be a

charge against the department of labor administration fund under RSA 281-A:59 or the restricted fund under RSA 273:1-b, in proportions and amounts proposed by the commissioner and approved by the legislative fiscal committee.

4 Effective Date. This act shall take effect 60 days after its passage.

LBA
25-0450
12/19/24

HB 303-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to requiring the department of labor review and adopt workers' occupational safety requirements that are similar to OSHA standards.

FISCAL IMPACT: The bill authorizes the Commissioner of the Department of Labor to establish up to 6 full-time inspector positions and one support staff, the cost of which shall be a charge against the Administration Fund under RSA 281-A:59 or the Restricted Fund under RSA 273:1-b.

Estimated State Impact				
	FY 2025	**FY 2026**	**FY 2027**	**FY 2028**
Revenue	$0	In excess of $639,000	In excess of $580,000	In excess of $594,000
Revenue Fund(s)	Administration Fund under RSA 281-A:59 or the Restricted Fund under RSA 273:1-b			
Expenditures*	$0	In excess of $639,000	In excess of $580,000	In excess of $594,000
Funding Source(s)	Administration Fund under RSA 281-A:59 or the Restricted Fund under RSA 273:1-b			
Appropriations*	$0	$0	$0	$0
Funding Source(s)	None			

***Expenditure = Cost of bill** ***Appropriation = Authorized funding to cover cost of bill**

Estimated Political Subdivision Impact				
	FY 2025	**FY 2026**	**FY 2027**	**FY 2028**
County Revenue	$0	$0	$0	$0
County Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Local Revenue	$0	$0	$0	$0
Local Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill requires state employers to adhere to OSHA-level safety standards, authorizes the Commissioner to adopt rules, review standards annually, and update them as needed, and provides for the hiring of up to 6 labor inspectors and one support staff to enforce these standards.

The Department of Labor indicates this bill amends RSA 277 to require the Department to adopt administrative rules necessary to implement public employee occupational safety standards for public employers that are as least as effective as the protections provided under federal OSHA standards. The Department would also be required to review the implemented safety standards on an annual basis and maintain record of such, update standards as determined necessary, and make recommendations for statutory amendment to the Legislature if identified and needed. The bill further requires public employers to provide a level of protection that is at least as effective the level of protection set forth by administrative rule. Public employers include the state or any of its political subdivisions.

The bill authorizes the Department to establish up to 6 additional full-time classified labor inspector positions and one full-time classified support position to implement the requirements. Appropriation for salary and benefits for these positions, in addition to equipment, expenses, rent or contract as necessary to carry out the stated requirements, would be charged against the administration fund under RSA 281-A:59 or the restricted fund under RSA 273:1-b, in proportions and amounts as proposed by the Commissioner, with approval from the Legislative Fiscal Committee.

The Department states it is likely that the bill will have an impact on state, county and local expenditures associated with meeting new safety requirements. Any such cost is difficult to quantify, as each political subdivision and each state agency will have unique levels of preparedness for new standards. In addition, the Department anticipates significant cost associated with the addition of up to 7 new staff members needed to implement and regulate the stated requirements. The estimated cost for these positions including necessary equipment and operating costs is $639,000 in FY 2026, $580,000 in FY 2027 and $594,000 in FY 2028. The addition of several new staff would also likely result in new rental costs, as the Spaulding Building would be unable to accommodate these new employees. These additional costs are indeterminable.

The Department states it is unlikely that the bill will have significant impact on revenues at the state, county or local level. It is possible that some employers would violate the new standards resulting in civil penalty under RSA 277. Such an increase in revenue cannot be credibly quantified at this time.

It is assumed that any fiscal impact would occur after FY 2025.

AGENCIES CONTACTED:

Department of Labor