



January 28, 2025

Hon. James Creighton, Chair
House Labor, Industrial and Rehabilitative Services Committee
Legislative Office Building, Room 307
Concord, NH

Re: *HB 303, relative to requiring the department of labor review and adopt workers' occupational safety requirements that are similar to OSHA standards.*

Dear Chairman Creighton and Members of the Committee:

NHMA opposes HB 303 solely on the basis of cost for cities and towns. In the fiscal note, the Department of Labor recognizes that there will be a cost to implement these new standards:

“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.”

Although NHMA cannot give specific dollar amounts relative to the costs associated with implementing new safety standards and what the costs would be for, we can provide some insight into where those costs would come from.

Coming into compliance with a new body of regulations put forth by the Department of Labor, but based on federal regulations, will inherently create additional costs for legal advice, staff time, implementation, new or additional equipment, staff training, and likely even some infrastructure costs to comply with significant portions of the 1910 OSHA regulations. Unfortunately, the extent of these expenses cannot be known until the work is done. Additionally, everything costs more today due to inflation, so that will further impact costs. For reference, some studies of OSHA standards compliance have found that compliance costs are higher than anticipated. One such study, conducted in 1998, determined that the costs of coming into compliance had been substantially underestimated. ([Estimating OSHA Compliance Costs](#), University of Hartford, 1998)

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Further, compliance costs would not be “offset” by a decrease in workers’ compensation claims due to more robust safety requirements. In regard to similar legislation in 2023, NHMA communicated with Primex, which covers the majority of the state’s political subdivisions for workers’ compensation and learned that the majority of workers’ compensation claims are slip and fall-related, primarily based on guidance in preventing falls from heights (e.g., roofs, platforms), that is not where most of the losses occur. Therefore, changing from the current public sector safety rules to rules more aligned with the standards issued by OSHA would not likely generate any savings in workers’ compensation costs.

Moreover, it is our understanding that the current rules promulgated and enforced by the NH Department of Labor (LAB 1400) address almost every area that the OSHA rules address, absent much of the administrative oversight and burden. These rules can and have provided a framework for safe work practices in New Hampshire’s public sector for almost 30 years. HB 303 would be a substantial change.

HB 303 provides no funding mechanism to support political subdivisions in transitioning to standards aligned with the 1910 standards. New requirements and state mandates over the years have created significant costs for cities and towns—costs that are borne entirely by the taxpayers.

Thank you for your consideration of my testimony.

Sincerely,

Sarah E. Burke Cohen
Legislative Advocate