**Testimony of Bill Londrigan in Opposition to HB 475**

**Senate Standing Committee on Economic Development,**

**Tourism and Labor - March 15, 2021**

Since 1972, the Kentucky Labor Cabinet’s Department of Workplace Standards has carried out OSH policy through the Kentucky OSH program. That nearly 50-year-old program promotes the safety, health, and general welfare of Kentucky’s 1,700,000+ public and private sector workers. *See* KRS 338 .041(1).

HB 475 prohibits the Secretary of Labor and the Kentucky Occupational Safety and Health Review Commission from enforcing “any occupational safety and health administrative regulation *that is more stringent* than the corresponding federal provision.”

**HB 475 is a solution in search of a problem since 97.2% of Kentucky’s OSH regulations are already identical to Federal OSH standards.** Kentucky has eighty (80) total administrative regulations on occupational safety and health. *See* 803 KAR, Chapter 2. These regulations expressly incorporate some one hundred eighty-eight general industry federal regulations and some two-hundred ninety-five construction federal regulations. **Over the past 49-years only** **14 Kentucky OSH regulations have been implemented which differ from federal regulations.** \*

In the few instances where Kentucky’s OSH program differs from the federal standard, **it is to provide extra protection for Kentucky’s workers.** For example, **one Kentucky-specific regulation** **protects workers charging automotive batteries by requiring facilities for flushing battery acid from eyes and skin.** *See* 803 KAR 2:015. In 2010, one worker received severe burns to the face and arms when he was not provided appropriate personal protective equipment and these facilities were not available.

Another example is Kentucky’s **steel erection regulation**, 803 KAR 2:412, **which requires a ten-foot maximum height for fall protection, which is more stringent than the federal equivalent – a thirty-foot maximum.**

**And Kentucky requires that employers have individuals on-site with first aid training and supplies.** *See* 803 KAR 2:310. In 2019, a worker died when a tree fell on him and none of the employees present were first aid trained or had first aid supplies on site.

These few distinctive regulations not only save lives, but they provide savings to Kentucky businesses in the form of Workers’ Compensation premium rates. **Kentucky employers have experienced 15 consecutive years of reductions in Workers’ Comp premium rates.**

**Kentucky’s OSH Program has been incredibly successful.** **This year Kentucky’s recordable nonfatal occupational injury and illness rate had fallen to the lowest point on record based on 2019, pre-COVID-19 BLS data.** **The total recordable incidence rate for all industries fell to its lowest level since the U.S. Bureau of Labor Statistics began recording the data in 1996.** **In fiscal year 2020 the rate was 3.2 cases per 100 full-time equivalent workers, down from 8.4 in 1996.** **This is no time to reverse that progress, which creates safe jobs and promotes economic development in our Commonwealth.**

**Based on the foregoing I respectfully urge you to oppose HB 475. Thank you.**

\*803 KAR 2:019; 803 KAR 2:240; 803 KAR 2:306; 803 KAR 2:307; 803 KAR 2:309; 803 KAR 2:310; 803 KAR 2:314; 803 KAR 2:318; 803 KAR 2:320; 803 KAR 2:325; 803 KAR 2:412; 803 KAR 2:417; 803 KAR 2:435; 803 KAR 2:440