



April 23, 2021

RE: Opposing S.136 An act relating to requiring safety training for State construction projects

Associated General Contractors of Vermont (AGC/VT) is the trade organization for contractors and construction workers in Vermont. We are Vermont's leading provider of industry specific training, Occupational and Safety Health Administration (OSHA) and Mine Safety and Health Administration (MSHA) certifications and are home to nationally recognized safety instructor. Our members employ 15,000-20,000 in Vermont annually with careers offering incomes and benefits well above Vermont's livable wage. The association works directly with state agencies including the Agency of Transportation, Building and General Services, Agency of Education and Department of Labor to enhance delivery of service to the state.

AGC/VT audits, evaluates, and provides certifications for many programs attached to career technical centers and other VT tech programs. A short list of programs includes working in confined spaces, crane operator certification, electrical code updates, fall hazards, respirator protection, first aid CPR, multiple OSHA and MSHA certifications, traffic control technician, TQP fire code updates, federally recognized heavy equipment operator courses, supervisor, estimator training, NCCER curriculum and more.

AGC/VT does not support requiring the 10 Hour OSHA course for state construction projects.

The 10 Hour OSHA course is a basic introduction to the safety programs from the department. It is 1 hour of introduction, a 4 hour "Focus Four" module which teaches them to recognize a hazard, two one-hour topic-based discussions and optional training for the following 2 hours.

This does not replace the requirement in 29 CFR Part §1926.20 which in section (b)(4) clearly states "An employer shall permit only those employees qualified by training or experience to operate equipment and machinery". The requirements under the subsection supersede any qualifications assumed by the 10 Hour OSHA course. Comparatively competent person training in this section in most categories is significantly more intense and thorough including hands on training than the 10 Hour modules.

There is also the OSHA 5(a) General Duty Clause which requires that each employer furnish to each of its employees a workplace that is free from recognized hazards that are causing or likely to cause death or serious physical harm.

Vermont agencies regularly have safety standards that exceed the OSHA requirements and the training proposed. Most recently BGS and VTRANS opted to increase safety protocols beyond the general sector requirements.

In addition to the requirements from state agencies already, a contractor is also subject to OSHA inspections that result in fines above \$13,000 in most cases. If a worker is hurt or killed attorneys will also become involved and those cases would be exponentially more devastating financially than an OSHA or a state entity would ever cover.