

Matthew Marks
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Labor and Health Committee Members,

I am sorry to be writing this email instead of presenting my information at the Public Hearing that took place for LD 469, "An Act To Ensure Safety across Maine's Construction Industry." I waited during the hearing from 9:30 AM to 1:20 PM to testify, and for some reason, my Zoom was listed in the waiting room as Unknown, and when the Chair announced it was my turn, I had no idea how to respond as I couldn't see that my name wasn't listed. It's symptomatic of new technology, and I applaud the hard work on the clerks to manage the process.

AGC Maine was listed as oppose, but we generally support agencies requiring craft training like OSHA 10 that they deem appropriate to perform work. In this case, the bill has provisions that will treat the OSHA 10 course differently than other training such as Work Zone Safety or Flagger Certification and to that end we are not sure this requirement rises above others. We suggest that the procurement agency is charged with compliance instead of introducing another agency to complicated work schedules and compliance.

Right now, the pre-qualification process for state work is managed through the Contracts Section at Maine DOT. The method includes a Contractor Pre-qualification Application, Safety and Civil Rights Supplemental. You can check out the forms here: <https://www.maine.gov/mdot/contractors/prequal/>

My organization has a robust education and training program for commercial contractors with more than 800 participants annually. That instruction includes OSHA 10, OSHA 30, Hazardous Materials, Fall Protection, Work Zone Safety, and dozens of other courses that owners require or law mandates. The bill as written provides some challenges;

- You are adding another state agency with the new staff needed to manage compliance of one training course when they might have other requirements depending on the type of work already managed by the project owner. We feel agencies are equipped to handle a directive on OSHA 10 compliance.
- The OSHA 10-hour card can arrive a few weeks after the course. That would make it challenging for new employees to comply as written.
- The cost of setting up a review of every payroll and training record not only seems excessive, but it also seems oddly specific for one industry to need such supervision with the contracting agency onsite. It might have particular demands for experience or education. OSHA 10 is a good class, but it doesn't rise to the level of a new division within a state agency that doesn't manage contracts.

Given the state of finances and the goal of expanding OSHA 10 compliance, we recommend that a different approach be used first. A simple report back, if included in the bill, to the Committee will either validate compliance or require additional resources. I hope you consider the attached language; we offer it as one possible solution. Many thanks for considering my request.

Thank you,

Matt

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