

Amendment to HB 232-FN

1 Amend the bill by replacing all after the enacting clause with the following:

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3 1 Health and Safety of Employees; Incorporation of OSHA Standards. Amend RSA 277:1 to
4 read as follows:

5 277:1 Application. This chapter shall apply to all places of employment in which one or more
6 persons are regularly employed. ***Employers shall provide employees a level of protection that***
7 ***is at least as effective as the level of protection set forth in rules adopted pursuant to RSA***
8 ***277:16.***

9 2 New Paragraph; Rulemaking; OSHA Standards. Amend RSA 277:16 by inserting after
10 paragraph II the following new paragraph:

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

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

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

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

29 3 Additional Staffing Requirement. The labor commissioner may establish up to 6 additional
30 full-time, classified labor inspector positions, at labor grade 22, as well as one full-time classified
31 support position, at labor grade 19. The salary and benefits costs for the positions, in addition to
32 equipment, current expenses, rent, or contract costs necessary to implement this act, shall be a

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

36 4 Effective Date. This act shall take effect 60 days after its passage.

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AMENDED ANALYSIS

This bill incorporates, by reference, certain OSHA standards applicable to public employees in New Hampshire and directs the labor commissioner to adopt rules regarding application of such standards. The bill also authorizes the labor commissioner to establish certain additional classified positions.