



SUB HOUSE BILL 205 – (ENACT THE HIGH HAZARD TRAINING CERTIFICATION ACT)

OPPONENT TESTIMONY- OHIO SENATE ENERGY AND PUBLIC UTILITIES COMMITTEE

NOVEMBER 14, 2023

Chairman Reineke, Vice-Chair McColley, Ranking Member Smith, and members of the Ohio Senate Energy and Public Utilities Committee, thank you for the opportunity to provide testimony on behalf of the nearly 21,000 members of the National Federation of Independent Business in Ohio (NFIB) to convey our opposition to House Bill 205. My name is Cameron Garczyk and I serve as the Assistant State Director for NFIB in Ohio.

For reference, NFIB is a small business trade association founded 80 years ago that is dedicated to representing the interests of small and independent businesses across our state and nation. NFIB's mission is to promote the right of our members to own, operate and grow their businesses. NFIB members come from all industry sectors and each of the 88 counties across Ohio. Our average member has 20 or fewer employees and has less than \$2 million in annual gross receipts.

Simply put, HB 205 interjects state government into the employer/employee relationship by establishing government-mandated training requirements and hiring quotas of individuals that meet such requirements for certain Ohio businesses. We believe it is neither appropriate nor the purview of government to dictate who a private company employs. Such decisions belong with the employer based upon their determination of what skill sets are essential to fit their workplace needs. The private sector, not a government agency, must retain control of hiring criteria and qualifications.

Although proponents of this bill say it focuses specifically on the already highly regulated petroleum-refining industry, this legislation sets a dangerous precedent for every industry in Ohio and leaves the door open to

expansion of hyper-specific training requirements for additional industries, as has been the case in other states that have adopted similar measures.

Furthermore, you have heard that this bill have is necessary because businesses are not hiring appropriately skilled labor to ensure safe workplaces. We find this assertion to be illogical. Of course, safety is paramount to Ohio employers; they care about the well-being of their employees and contractors, no matter what job they perform or for how long. The consequences of not prioritizing safety are significant, including fines and penalties from existing government agencies like OSHA whose responsibility it is to ensure employers are following all safety rules and regulations.

Likewise, skilled workers would not want to work somewhere that doesn't place a strong emphasis on safety. That is why we have seen the permanent, Ohio-based employees of the targeted facilities come out in opposition to this bill. Additionally, the onerous record-keeping and policing of the hiring practices of all contractors and subcontractors in the bill creates an overly burdensome administrative framework accompanied by excessive fines of up to \$10,000 per violation.

One final point to note is that workers mandated to be hired under the bill need to demonstrate proficiency in spoken English (lines 204-207). The addition of this language does not include an explanation of who will determine proficiency nor what metrics will be followed to prove proficiency. This vague language adds to the concerns we have with the other provisions of the bill. It will become another opportunity to levy the hefty fines contemplated under this measure and increase regulation compliance to address a manufactured problem.

NFIB urges this committee to oppose House Bill 205 as it is an unnecessary intrusion into the hiring practices of private sector employers and would set a troubling precedent that may lead to government assuming the role of the hiring manager for businesses. NFIB may consider a floor vote on this bill a key vote for the 135th General Assembly. I appreciate the committee's time and am happy to answer any questions.