

February 24, 2020

Dear Chair Davis, Vice Chair Dumais and members of the 2020 Economic Matters Committee,

I write to you today to express the support of UNITE HERE! International Union and UNITE HERE! affiliated local union UNITE HERE! Local 7 Baltimore for the proposed Maryland House Bill 722 (2020) - Heat Stress Standard, requiring employers to maintain heat-illness prevention plans to protect employees. As the bargaining agent for 82 airline catering workers employed at BWI Airport, UNITE HERE! Local 7 Baltimore is concerned about the health and safety of its members.

UNITE HERE! appreciates the efforts by Delegates Charkoudian, Brooks, Crutchfield, Cullison, Moon, Palakovich Carr, Rogers, Shetty, Stewart, Turner, Valderrama, and Wilkins in sponsoring this occupational safety and health bill for the workers of Maryland.

UNITE HERE! also thanks the Maryland State and District of Columbia AFL-CIO and fellow labor unions who have helped move this bill forward.

Airline catering workers are at risk for occupational heat exposure which may result in serious illnesses and potential fatalities. UNITE HERE! represents 45,000 employees in the airport concessions and airline catering industries at over 75 airports in the United States and Canada. Please review the attached testimony from Diana Colon-Guzman, Senior Occupational Health Specialist from the union's Worker Safety and Health Program.

House Bill 722 (2020) contains comprehensive heat-illness preventive elements that address dangerous, life-threatening occupational heat hazards.

UNITE HERE! International Union and affiliated local union UNITE HERE! Local 7 Baltimore strongly urge delegates from the Maryland House of Delegates to support HB722 – Heat Stress Standard which is needed to protect the lives of Maryland workers.

Thank you.

Sincerely,

*Pamela Vossen*

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**UNITE HERE! International Union**  
**Written Testimony in Support of**  
**Maryland Heat Stress Standard HB722 (2020)**  
**Diana Colon-Guzman**  
**February 25, 2020**

Airline catering workers are at risk for occupational heat exposure which may result in serious illnesses and potential fatalities. UNITE HERE! represents 45,000 employees in the airport concessions and airline catering industries at over 75 airports in the U.S. and Canada. In Maryland, UNITE HERE! Local 7 Baltimore represents 82 airline catering workers at the Baltimore-Washington International (BWI) Airport and is concerned about the health and safety of Local 7 members.

UNITE HERE! International Union and affiliated local union UNITE HERE! Local 7 Baltimore supports the proposed Maryland House Bill 722 (2020)<sup>1</sup> requiring employers to maintain heat-illness prevention plans to protect employees. Maryland's HB722 includes many feasible and substantial measures to prevent heat hazards for airline catering employers to implement, making it a comprehensive heat stress standard. These measures are similar to those put forward by worker protection entities such as OSHA and the National Institute of Occupational Safety and Health (NIOSH).

**Why is it Important to Prevent Heat Illness?**

According to OSHA's *Heat Illness Prevention Training Guide: A Lesson Plan for Employers*<sup>2</sup>, some of the serious issues of heat illness include:

- Heat illness can be a matter of life and death. Workers die from heat stroke every summer and every death is preventable.
- When heat stroke doesn't kill immediately, it can shut down major body organs causing acute heart, liver, kidney and muscle damage, nervous system problems, and blood disorders.
- Having a serious injury or death occur at work affects everyone at a worksite.
- Workers suffering from heat exhaustion are at greater risk for accidents, since they are less alert and can be confused.

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<sup>1</sup>Maryland House Bill 722 (2020). <http://mgaleg.maryland.gov/2020RS/bills/hb/hb0722F.pdf>

<sup>2</sup>OSHA. Heat Illness Prevention Training Guide: A Lesson Plan for Employers.  
[https://www.osha.gov/SLTC/heatillness/osha\\_heattraining\\_guide\\_0411.pdf](https://www.osha.gov/SLTC/heatillness/osha_heattraining_guide_0411.pdf)

### **Occupational Heat Exposure of Airline Catering Workers: Nation-Wide and in Maryland**

LSG Sky Chefs, a nation-wide catering company, states in a job announcement for airline catering truck drivers, “Responsibilities include driving the Catering Truck to the Aircraft to deliver food and catering items. Safely approaching and departing aircraft with the assistance of a Guide person and in accordance with LSG Sky Chefs and Airport Authority rules and regulations. Interacting with airline personnel and providing exemplary customer service and preventing flight delays.”<sup>3</sup>

#### **UNITE HERE! Nation-Wide Heat Survey Results**

In a 2017 report by UNITE HERE!, ‘*Danger Behind the Wheel*’<sup>4</sup>, airline catering truck drivers’ jobs were described as physically demanding with drivers spending most of their shift outdoors and exposed to heat during the summer. Based on a 2017 nationwide survey that UNITE HERE! conducted of 386 LSG Sky Chefs airline catering workers at various airports throughout the U.S., including BWI, results indicate that:

- 63% reported feeling dizzy or sick because of the heat while working
- 66% reported not receiving heat safety training in the past five years
- 65% reported that they have felt unsafe while driving because of the heat

Workers reported spending an average of 5.5 hours in their trucks per shift and **95% of surveyed workers** reported that the trucks they normally work in do not have working air-conditioning.

#### **UNITE HERE! Maryland Heat Survey Results**

Based on a 2017 survey<sup>5</sup> that UNITE HERE! conducted with six Sky Chef workers at **Baltimore-Washington International Airport**, workers reported spending 3 to 8 hours in their trucks and 100% reported the trucks had no working air conditioning. Five out of six workers (83%) reported that no water was available to drivers on the ramp while they waited to service flights. Five workers out of six (83%) felt unsafe because of the heat and four out of six workers (67%) felt dizzy or sick because of the heat during their shifts. Out of the six workers surveyed, 83% reported they did not have training about

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<sup>3</sup>Indeed.com. Driver. LSG. Accessed 2/22/20.

<https://www.indeed.com/q-Airline-Catering-Truck-Driver-jobs.html?advn=1350754975748284&vjk=f93bc7e88cc109f3>

<sup>4</sup>Hachey, M. Danger Behind the Wheel: LSG Sky Chefs Uses Trucks Without Air Conditioning to Save Money, Putting Driver and Airport Safety at Risk. August 2017.

<sup>5</sup>Surveys obtained from UNITE HERE! International Union and UNITE HERE! Local 7 Baltimore, 2/21/20.

how to be safe when working in the heat and 100% reported they were not trained on how they should respond if someone shows a symptom of heat illness or heat stroke on

the job. Although a small sample, the BWI surveys results are similar or worse than the nation-wide averaged results in the UNITE HERE! report.

### **2019 Weather Conditions Indicate High Heat Hazards at BWI Airport**

The maximum daily temperature and humidity readings at BWI airport for the summer of 2019 were documented from the Weather Underground website<sup>6</sup> for the mid-month work weeks of June 17, July 15 and August 19. Using the National Weather Service NOAA online heat index calculator<sup>7</sup>, daily heat indexes were enumerated from the BWI readings. According to OSHA, “the higher the heat index, the hotter the weather will feel, and the greater the risk that outdoor workers will experience heat-related illness”.<sup>8</sup> There are four heat index levels: Lower (Caution), Moderate, High, and Very High to Extreme,<sup>9</sup> and each level is associated with a risk level for heat illness symptoms and adverse health outcomes, outcomes that can range from fatigue and an inability to concentrate while working all the way to heat stroke, brain damage, and death. The results of our analysis found that:

For the week of June 17, 2019, **three out of five** daily readings at BWI were in OSHA's **Very High to Extreme** level of risk for heat illness.

For the week July 15, 2015, **four out of five** readings at BWI were in OSHA's **Very High to Extreme** level of risk for heat illness.

For the week of August 19, 2019, **four out of five** daily readings at BWI were in OSHA's **Very High to Extreme** level for risk of heat illness.

These findings show that high heat hazards were common at BWI Airport throughout the summer of 2019. Workers working in this environment without proper protection are at risk for debilitating heat stroke and even death. Protective measures are urgently needed, and OSHA recommends that “...as the heat index value goes up, more preventive measures are needed to protect workers”<sup>10</sup> on the part of employers.

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<sup>6</sup>Weather Underground. Historical Weather. <https://www.wunderground.com/history>. Accessed 2/22/20.

<sup>7</sup>National Weather Service NOAA online heat index calculator.

<https://www.wpc.ncep.noaa.gov/html/heatindex.shtml>

<sup>8</sup>OSHA. About the Heat Index. [https://www.osha.gov/SLTC/heatillness/heat\\_index/about.html](https://www.osha.gov/SLTC/heatillness/heat_index/about.html)

<sup>9</sup>OSHA. About the Heat Index. [https://www.osha.gov/SLTC/heatillness/heat\\_index/about.html](https://www.osha.gov/SLTC/heatillness/heat_index/about.html)

<sup>10</sup>OSHA. Using the Heat Index: A Guide for Employers.

[https://www.osha.gov/SLTC/heatillness/heat\\_index/pdfs/all\\_in\\_one.pdf](https://www.osha.gov/SLTC/heatillness/heat_index/pdfs/all_in_one.pdf)

### **Airline Catering Industry Heat Hazards: NIOSH Recommendations to Employers**

The Centers for Disease Control’s National Institute of Occupational Safety and Health (NIOSH) conducted health hazard evaluations (HHE) of the working conditions at two LSG Sky Chefs’ airline catering kitchens at the request of UNITE HERE! International Union – Detroit Metro Airport (2011) and New York JFK Airport (2013). Heat exposure recommendations were included in both HHEs. In 2014, NIOSH published its report from the Detroit HHE, ‘*Evaluation of Ergonomic Risk Factors, Thermal Exposures, and Job Stress at an Airline Catering Facility*’ and made the following recommendations to employers:<sup>11</sup>

“Establish a written heat stress prevention program that includes regular breaks and access to fluids.”

“Inform employees and supervisors of OSHA heat safety tools...”

“Ensure that new trucks have air conditioning and repair systems in existing vehicles.”

Then in 2015, NIOSH published its report from the New York JFK HHE, ‘*Evaluation of Ergonomic Risk Factors, Acute Traumatic Injuries, and Occupational Exposures at an Airline Catering Facility*’ and recommended that employers:<sup>12</sup>

“Evaluate heat exposures of drivers during summer months. If needed, establish work/rest schedules based on temperature, humidity, and the type of work. Provide medical surveillance, develop an emergency response procedure for heat-related injuries, and encourage employees to take regular breaks and to drink cool water throughout the work shift.”

“Provide drinking water with disposable cups in all work areas. If water containers are used, they must be cleaned and refilled daily and kept away from heat.”

“Make sure all new trucks have air conditioning.”

### **The Need for a State Heat Stress Standard in Maryland**

The Occupational Safety and Health Act of 1970, in its General Duty Clause<sup>13</sup>, requires that each employer provides a place of employment which is “free from recognized hazards that are causing or are likely to cause death or serious physical harm to their employees”... “when there is

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<sup>11</sup>NIOSH. Health Hazard Evaluation. Ergonomic Risk Factors, Thermal Exposures, and Job Stress at an Airline Catering Facility Report No. 2100-0131-3221, September 2014. p.19.

<https://www.cdc.gov/niosh/hhe/reports/pdfs/2011-0131-3221.pdf>

<sup>12</sup>NIOSH. Health Hazard Evaluation, Evaluation of Ergonomic Risk Factors, Acute Traumatic Injuries, and Occupational Exposures at an Airline Catering Facility Report No. 2100-0131-3222, September 2015. p.27.

<https://www.cdc.gov/niosh/hhe/reports/pdfs/2011-0131-3222.pdf>

<sup>13</sup>OSH Act of 1970. Sec 5a. General Duty Clause. <https://www.osha.gov/laws-regs/oshact/section5-duties>

a feasible method to abate the hazard.” According to OSHA,<sup>14</sup> “this includes heat-related hazards that are likely to cause death or serious bodily harm.”<sup>15</sup>

Although there is no federal OSHA standard to protect workers from heat illness, OSHA recognizes the seriousness of workplace heat exposure and published heat illness prevention guidelines. In the guidelines’ section on ‘Planning and Supervision,’<sup>16</sup> OSHA recommends that “employers should create plans to protect workers from developing heat-related illnesses” and provides examples of feasible program elements. NIOSH, known as the research arm of OSHA, in its 2016 report ‘*Criteria for a Recommended Standard. Occupational Exposure to Heat and Hot Environments*,’<sup>17</sup> recommends that “employers implement measures to protect the health of workers exposed to heat and hot environments.”

The OSHA and NIOSH publications conclude that *1) employers have an obligation to prevent occupational heat illness, 2) standards are needed to address heat hazards and 3) measures exist to mitigate workplace heat exposures. Therefore, state OSHA heat-illness prevention standards are needed to address occupational heat hazards.*

With no federal OSHA standard to prevent workplace heat illness, states with OSHA-approved State Plans have promulgated such laws to protect workers from excessive heat including California, Minnesota and Washington. As a state with an OSHA-approved state plan, Maryland is well-suited to adopt a heat stress standard to prevent workplace heat exposure. House Bill 722 (2020) contains comprehensive heat-illness preventive elements that address dangerous, life-threatening occupational heat hazards.

In Section 5-1203 (A)(1), HB722 requires that the employer “... maintains an effective excessive heat-related illness prevention plan for employees.” In (A)(2)(1) it specifies that the plan shall be “developed and implemented with the meaningful participation of employees, employee representatives, and collective bargaining representatives.” This is important language because employees and their bargaining representatives should be afforded the opportunity to provide input before heat-illness prevent plans are adopted, assuring that they are both feasible and understandable to workers.

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<sup>14</sup>The Occupational Safety and Health Administration (OSHA) is a federal government agency that “sets and enforces protective workplace safety and health standards.” OSHA. Workers’ Rights. <https://www.osha.gov/Publications/osha3021.pdf>

<sup>15</sup>OSHA. Heat. Employer Responsibilities (OSHA Standard: General Duty Clause). <https://www.osha.gov/SLTC/heatstress/standards.html>

<sup>16</sup>OSHA. Heat. Planning and Supervision. <https://www.osha.gov/SLTC/heatstress/planning.html>

<sup>17</sup>CDC.NIOSH. Criteria for a Recommended Standard Occupational Exposure to Heat and Hot Environments. <https://www.cdc.gov/niosh/docs/2016-106/pdfs/2016-106.pdf?id=10.26616/NIOSH PUB2016106>

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The procedures and methods of the plan required under Section 5-1203 (B) are exemplary. Each and every requirement is needed to make HB722 a comprehensive and effective heat stress standard. We urge that all components listed remain intact.

Another strength of HB722, is found in Section 5-1203 (B)(8)(1), is the requirement to use engineering controls, including the use of air conditioning. UNITE HERE! has requested LSG Sky Chefs to provide air conditioning in catering trucks, with varying success nation-wide. HB722 correctly recognizes that this engineering control is critically important to employees such as airline catering truck drivers who spend long hours in their truck cabs without adequate protection from heat.

We also commend sections 5-1203(C) regarding training of employees who may be exposed to high heat levels and (D) regarding the training of employees who are supervisors.

**UNITE HERE! International Union and affiliated local union UNITE HERE! Local 7 Baltimore strongly urge delegates from the Maryland House of Delegates to support HB722 – Heat Stress Standard which is needed to protect the lives of Maryland workers.**

Questions regarding the above testimony can be directed to Diana Colon-Guzman, Senior Occupational Health Specialist at UNITE HERE! International Union's Worker Safety and Health Program, [dguzman@unitehere.org](mailto:dguzman@unitehere.org).