LORIG CHARKOUDIAN
*Legislative District 20*
Montgomery County

Economic Matters Committee

*Subcommittees*

Public Utilities

Workers' Compensation

*Annapolis Office*
The Maryland House of Delegates
6 Bladen Street, Room 226
Annapolis, Maryland 21401
410-841-3423 · 301-858-3423
800-492-7122 *Ext.* 3423
Lorig.Charkoudian@house.state.md.us

THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

HB0722 – LABOR AND EMPLOYMENT – OCCUPATIONAL SAFETY AND HEALTH – HEAT STRESS STANDARDS

TESTIMONY OF DELEGATE LORIG CHARKOUDIAN

FEBRUARY 25TH, 2020

Chair Davis, Vice Chair Dumais, and Members of the Economic Matters Committee,

During the interim, I met with Matt Helminiak, Commissioner of Labor and Industry, Scott Schneider, retired Director of Occupational Safety and Health for the Laborers' Health and Safety Fund of North America, Darryl Alexander, retired director of Occupational Safety and Health for the American Federation of Teachers and Shanna Devine, Worker Health and Safety Advocate for Public Citizen to discuss strengthening heat stress protection standards in the State of Maryland. Initially I had hoped to establish these protections as regulations in the Maryland Occupational Safety and Health (MOSH) Division of Labor and Industry, however the Department decided not to pursue this route. HB 722 takes the protections we discussed during this meeting and puts them into statute.

Heat is the leading cause of weather-related deaths - more than lightening, tornados, hurricanes and floods combined. Most at risk of heat-related deaths during Maryland hot summers are construction workers building and repairing our highways, roofers replacing a hot asphalt roof, landscapers cutting lawns, telecommunications workers fixing a power outage, bakery and restaurant workers working in overheated kitchens and facilities, boilermakers and engineers maintaining building heating systems, laundry workers, UPS drivers in hot cabs and public works employees in transportation, sanitation and solid waste. Even school employees in unairconditioned schools during heat waves may be at risk.

Sixty workers died in the US in 2018 from extreme temperatures[1]. Nine Maryland workers have died from heat stress since 1992[2]. The highest percentage of heat-related deaths occur in establishments of fewer than ten employees[3]. Many more, though, suffer from heat-related illnesses.

[1] U.S. Bureau of Labor Statistics, Census of Fatal Occupational Injuries
[2] Maryland OSHA
[3] U.S. Bureau of Labor Statistics, Survey of Occupational Illnesses and Injuries

Over 17,000 US workers reported heat-related illnesses (such as heat cramps or heat exhaustion) in 2018 that caused them to miss work[4]. Yet leading experts believe that heat-related illnesses in the US are underreported[5]. For instance, small employers are exempt from OSHA's record-keeping requirement and rarely report cases of workers who succumb to a heat-related illness or death.

We all pay a price for occupational heat-related deaths and illnesses. Overexposed workers suffer a wide- range of health consequences; those with pre-existing conditions such as diabetes and hypertension are especially vulnerable to extreme heat exposure[6]. One study of workers who were treated for heat-related illnesses in hospitals reported high rates of renal and cardiovascular disease[7].

Extreme heat impairs worker productivity. Mild dehydration during hot work impedes vision, cognitive ability and even short-term memory and attention putting workers at greater risk of work-related accidents and injuries. Workers compensation claims can balloon for both heat-related illnesses and associated injuries. The highest rates of heat-related workers' compensation claims are found in farm labor, fire protection, concrete construction and roofing[8].

Many employers recognize this challenge and are already addressing the issue. Fortunately, most extreme heat-related illnesses and deaths are preventable. There is ample evidence that when employers put a low-cost heat stress prevention program in place with the basics – shade, rest and water -along with worker training, illnesses plummet as well as workers' compensation costs[9].

California, Washington and Minnesota currently have standards to protect their workers from heat stress on the job. Federal OSHA, and the other states, do not. Federal OSHA can only cite on the "general duty clause" which requires all employers to provide a workplace "free of recognized hazards." Because this is so vague, it is very difficult to use for enforcement[8].

Federal OSHA, and Maryland OSHA, recognize that extreme heat is a problem and have national and state heat campaigns each year to educate employers and workers about the hazards and encourage employers to implement precautions. Many of them do, but some employers, often smaller ones which fly under the radar, do not. A heat stress standard is needed to level the playing field so all workers get the protection they deserve.

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[4] U.S. Bureau of Labor Statistics, Survey of Occupational Illnesses and Injuries

[5] Wu X., Brady J.E., Rosenberg H. et al. Emergency Department Visit for Heat Stroke in the United States, 2009 and 2010. Inj. Epidemiol. 2014; 1:8.

[6] J. Xiang, P. Bi, D. Pisaniello, A. Hansen, Health Impacts of Workplace Heat Exposure: An Epidemiological Review, Industrial Health, 52 (2), 91-101, 2014

[7] Wang JC, et al., The association between heat stroke and subsequent cardiovascular diseases. PLoS One 2019.

[8] Hesketh M, Wuellner S, Robinson A, Adams D, Smith C, Bonauto D. Heat related illness among workers in Washington State: A descriptive study using workers' compensation claims, 2006-2017. Am J Ind Med. 2020;1–12.

[9] R. McCarthy, F. Shofer, J Green-McKenzie, Outcomes of a Heat Stress Awareness Program on Heat-Related Illness in Municipal Outdoor Workers Journal Occupational Environmental Health, 61 (9), 724-728, Sep 2019

The purpose of this legislation is to require Maryland OSHA, under the Commissioner of Labor and Industry, to within 2 years promulgate a standard to protect Maryland workers, both indoor and outdoor workers, from extreme heat on the job. The precautions required are straightforward: sufficient supplies of readily available cool drinking water, the opportunity to take breaks as needed in a cool shady area, training about the hazards of heat exposure on the job and how to recognize the symptoms of heat illness, and a written plan to address this hazard to include plans for dealing with emergencies like heat stroke. These requirements are common sense measures that should not place a burden on any employer.

I respectfully request a favorable report of HB 722.