



HB 722

**Labor and Employment – Occupational Safety and Health – Heat Stress Standards
Economic Matters Committee**

Position: Favorable with Amendment

Maryland AGC, the Maryland Chapter of the Associated General Contractors of America, provides professional education, business development, and advocacy for commercial construction companies and vendors, both open shop and union. AGC of America is the nation’s largest and oldest trade association for the construction industry. AGC of America represents more than 26,000 firms, including over 6,500 of America’s leading general contractors, and over 9,000 specialty-contracting firms, all through a nationwide network of chapters. With appropriate amendments, Maryland AGC supports HB 722 and respectfully urges the bill be given a favorable report with amendments.

HB 722 creates a new occupational health standard for heat stress. Unquestionably, prolonged exposure to unhealthy levels of ambient heat can create heat stress and have serious health consequences for workers so exposed. The construction industry is not unique in this regard, as many industrial occupations can expose workers to heat stress. Responsible construction companies recognize the dangers posed by heat stress and actively take measures to reduce the risks and protect their employees.

Maryland AGC supports the basic premise and requirements of HB 722. However, there are few substantive and drafting issues that should be addressed before passing the bill out of committee:

- page 5, lines 13: not every heat stress incident requires an emergency response; frequently simply giving the worker a rest period is sufficient; accordingly insert “WHEN NECESSARY” immediately following “PROVIDING”;
- page 5, lines 23-27: all of these items are already included under §5-1203(8)(ii) and cover situations where the source of stress generating heat is not related to the National Weather Service forecast, e.g., work around industrial heat sources, furnaces, etc.; accordingly, strike lines 23 through 27;
- page 6, lines 18-20: each employer is responsible for conformance to the standards set forth in the bill and for the development of measures appropriate to their workers; even at the same work site, not every employer’s workers will be exposed to the same occasion or level of heat stress, e.g. roofers compared to drywall hangers; coordination has costs that are unnecessary; accordingly, strike lines 18 through 20;
- page 8, lines 2-4: it is unnecessary and inappropriate to mandate in-person training, which is the most costly and time-consuming method of delivering training; high quality, effective, and efficient training can be provided by taking advantage of other teaching modalities such as virtual classrooms or remote video; §5-1203(E)(2) requires employees be able to ask questions etc. as needed to ensure the employee’s understanding of the heat stress regimen, regardless of the method of instruction; accordingly, strike lines 2 through 4; and
- page 8, lines 13-16: this data would include personally identifiable health related information, e.g. heart rates, body temperatures, water content, etc., that should not be made available in order to protect employee privacy; accordingly, insert “EXCEPT FOR PERSONALLY IDENTIFIABLE INFORMATION,” before “DATA” in lines 13 and 15;
- page 8, line 20 through page 9 line 4: unfortunately, there is always the rare employee who will game any protections, either for their own benefit or simply to harass their employer, e.g., a beef with a particular supervisor; while employers should not be permitted to retaliate or discriminate against employees who are acting in good faith, even if mistaken, by the same token, employers should be able to discipline or dismiss employees who act in bad faith; accordingly, on page 9 in the unnumbered line immediately following line 4, insert “(3) NOTHING IN THIS SUBSECTION SHALL PROHIBIT AN EMPLOYER FROM TAKING DISCIPLINARY ACTION, INCLUDING DISMISSAL, AGAINST AN EMPLOYEE WHO ACTS IN BAD FAITH.”

Maryland AGC respectfully urges the Committee to adopt amendments related to the issues identified above and to give HB 722 a favorable report with amendments.

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