



MARYLAND STATE & D.C. AFL-CIO

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**SB 434 – Labor and Employment – Occupational Safety and Health –
Heat Stress Standards
Senate Finance Committee
February 20, 2020**

SUPPORT

**Donna S. Edwards
President
Maryland State and DC AFL-CIO**

Madam Chair and members of the Committee, thank you for the opportunity to submit testimony supporting SB 434 – Labor and Employment – Occupational Safety and Health – Heat Stress Standards. My name is Donna S. Edwards and I am the President of the Maryland State and District of Columbia AFL-CIO. On behalf of the 340,000 union members I offer the following comments.

Employees who work outdoors and indoors in non-air-conditioned spaces are exposed to excessive heat and temperatures that threaten health and life. Maryland workers are trying to cope in these dangerous hot environments, with the increased risk of heat-related illness, as the severity and frequency of extreme heat rises. These workers are at dire risk of serious illnesses such as heat stroke, heat exhaustion, heat cramps, heat rash, and even death.

The State of Maryland typically records 30 days with a heat index of 90 degrees Fahrenheit¹ or more every year. That number is expected to rise to between 63-73 days of high heat index temperatures in the near future². In 2014, there were 8 heat-related deaths in Maryland. In 2016, there were 17 heat-related deaths, and by 2018 Maryland saw 28 heat-related deaths³. These deaths are avoidable.

SB 434 requires the Commissioner of Labor and Industry to create heat stress rules, requiring employers to implement heat stress plans on the worksite, which includes training, paid breaks, providing water, monitoring worker exposure to heat, and maintaining records on heat injuries and precautions taken to prevent them.

¹ Heat index is a combination of temperature and humidity that creates a “feels like” temperature. Heat is more harmful to human health when humidity is high because high humidity impedes evaporation of sweat – reducing the body’s ability to cool itself.

² Union of Concerned Scientists (USC) 2019. USC Killer Heat Data, online <http://www.ucsusa.org/killer-heat>

³ Maryland Department of Health -

<https://preparedness.health.maryland.gov/Documents/2018%20Summary%20Heat%20Report.pdf>

At the 32nd Biennial Convention of the Maryland State and D.C. AFL-CIO – in November of 2019 – the body unanimously passed ***“Resolution 5: Guarantee Maryland Workers Protection from Hot Environments”*** (a copy has been included with this testimony) that lays out the issue of on-the-job heat-related injuries and deaths, and calls for action by the State. SB 434 provides the best path forward on protecting Maryland workers.

We ask for a favorable report on SB 434.

Resolution #5: Guarantee Maryland Workers Protection from Hot Environments

WHEREAS, every year, thousands of Maryland workers are placed at risk of work-related illness and death associated with exposure to excessive heat both outdoors and indoors. The risk will only climb as the severity and frequency of extreme heat are expected to rise sharply in coming years. The State of Maryland typically records 30 days with a heat index of 90 degrees Fahrenheit (90°F) or more every year. That number is expected to rise to between 63-73 days of high heat index temperatures by mid-century. Outdoor workers will be put at greater danger. Workers exposed to stifling heat in un-cooled and poorly ventilated buildings will see their exposure sky-rocket as well;

WHEREAS, workers at high risk of exposure can be found in a wide variety of Maryland jobs including but not limited to:

- Construction
- Heating, ventilation and air-conditioning
- Insulation – residential and commercial
- Landscaping, agriculture, forestry and fishing
- Commercial vehicles and transportation facilities
- Road work and utility repair and maintenance
- Waste water treatment and water plants
- Sanitation and recycling
- Firefighting
- Commercial dry-cleaning and laundry
- Warehousing
- Manufacturing with hot operations
- Postal workers and letter carriers
- Bakery workers
- Boiler room workers;

WHEREAS, recent research has shown that outdoor workers are more susceptible to heat-related illness and death at a heat index above 90 degrees Fahrenheit (90°F). Exposure to direct sun can raise the heat index by as much as 15°F;

WHEREAS, the U.S. Department of Labor, Bureau of Labor Statistics in 2015 identified nearly 3,000 cases of injury or illnesses and thirty-seven fatalities associated with heat exposure nationwide. The State of Maryland ranked in the top thirteen states with high rates of heat-related illness – posting a rate of 0.3 cases per 10,000 full-time employees. These findings are an incomplete glance of a growing trend. Employers often don't record heat-related illnesses; workers many times are reluctant to report. As it gets hotter, even more cases will probably go unreported for a variety of reasons including worker reluctance to report because of fear of retaliation;

WHEREAS, exposure to extreme heat at work can result in illnesses caused by heat stress including heat stroke, heat exhaustion, heat cramps, heat rash, heat syncope (dizziness, light headedness) and even death. Workers at greater risk of heat stress include those who are 65 years of age or older, are overweight, have heart disease or high blood pressure, or take medications that may be affected by extreme heat;

WHEREAS, construction workers account for about 1/3 of occupational heat-related deaths and illnesses. A recent analysis of occupational heat-related deaths from 1992-2016 found that construction workers who constitute just 6% of the total workforce accounted for 36% of the heat-related deaths;

WHEREAS agricultural workers have high rates of heat-related deaths compared to the general working population. An analysis of the rate of heat-related deaths from 1992-2006 among agricultural workers compared to that of the US civilian workforce found that the rate for agricultural workers was 100 times greater;

WHEREAS, during extremely hot days, heat-related deaths spike and hospital admissions for heat-related illnesses rise;

WHEREAS, lack of access to regular breaks, shade, water and medical services for workers exposed to extreme heat is not only associated with serious health consequences but also with significant reduction in work productivity;

WHEREAS, one study of a heat stress program to reduce heat-related illness in municipal workers demonstrated a steep decline in workers' compensation claims for heat-related conditions when a comprehensive program was instituted. Instituting a comprehensive preventive program saves lives and is cost-effective.

WHEREAS, Maryland has a State OSHA program and thus has the right and ability to promulgate occupational health and safety standards to protect Maryland workers (as three other states (CA, WA and MN) have already done.)

THEREFORE, BE IT RESOLVED, that the Maryland State and District of Columbia AFL-CIO support legislation mandating that the Maryland Occupational Safety and Health Administration commence rule-making on protecting indoor and outdoor workers from exposure to excessive heat with promulgation of a final rule by 2022. The final rule must at a minimum include provisions for:

- Heat stress thresholds and protective measures recommended by the National Institute for Occupational Safety Health;
- A requirement for employers to conduct an assessment of heat exposure in the workplace and to develop a written program that details how the employer will reduce or eliminate exposure to excessive heat;
- Mandatory rest breaks from hot environments;
- Access to shade and adequate supplies of water;
- Heat acclimatization plans that allow workers to gradually adapt to hot environments when they start work in high heat environments;
- Exposure monitoring and medical monitoring
- Surveillance and record-keeping
- Personal protective equipment (PPE)
- Worker information and training.

Submitted by: *Donna S. Edwards, President
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Delegate, AFSCME 112
Gerald W. Jackson, Secretary-Treasurer
Maryland State and DC. AFL-CIO
Delegate, UA 486*

Committee: Industrial Safety

Convention Action: Unanimously passed