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January 29, 2021

The Honorable Dereck E. Davis
Chair, Economic Matters Committee
Room 231
House Office Building
Annapolis, Maryland 21401

**RE: MARYLAND LEGAL AIDS TESTIMONY IN SUPPORT OF
HOUSE BILL 577 Health and Welfare of H-2 Visa and Migrant
Workers – COVID-19 Pandemic-Regulations (Healthy Farmworkers
Acts)**

Dear Chairman Davis, Delegate Stewart, and Members of the Committee:

Thank you for the opportunity to testify in support of HB 577. This Bill will protect Maryland’s migrant and temporary agricultural workers and all Marylanders by requiring employers to adopt safety and prevention guidelines against the transmission of COVID-19. Maryland Legal Aid supports HB 577 and asks that this committee give it a favorable report.

Maryland Legal Aid (MLA) is a private, non-profit law firm that provides free civil legal services to low-income Marylanders. MLA has 12 offices across the state dedicated to assisting individuals and families with various civil legal issues, including consumer, housing, public benefits, employment, and family law matters. This letter serves as notice that Scott C. Black, Esq. will testify on behalf of Maryland Legal Aid at Delegate Vaughn Stewart’s request.

MLA has provided civil legal services to Maryland’s migrant and temporary agricultural and food-producing workers for many decades. These individuals are essential workers. They plant, cultivate, and harvest crops grown here in Maryland, which are sold in Maryland grocery stores and ultimately end up on Marylander’s plates. The Department of Homeland Security has identified Agricultural labor as a critical component of the food supply and recognized the essential role these workers play in the food supply chain.¹ These essential migrant and temporary farmworkers are undoubtedly susceptible to COVID-19 and can become vectors of transmissible disease if the State does not mandate

¹https://www.cisa.gov/sites/default/files/publications/ECIW_4.0_Guidance_on_Essential_Critical_Infrastructure_Workers_Final3_508_0.pdf

necessary and commonsense precautions. It is now widely accepted that social distancing and personal protective equipment (PPE) are effective and vital in reducing the infection rate of COVID-19. HB 577 officially recognizes and establishes universally acknowledged and commonsense measures.

HB 577 requires that employers of H-2A and H-2B temporary workers who have tested positive, were exposed to, or are exhibiting symptoms of COVID-19 provide isolated living spaces that include sleeping, sanitary and kitchen facilities. It also requires developing a regular cleaning and disinfecting schedule for housing and vehicles, and protocols for following CDC guidance and for notification of employee rights against eviction and appropriate care for quarantined workers.

Currently, employers of migrant and temporary workers have much discretion relating to agricultural workers' unique circumstances. This discretionary approach is not effective in managing the virus. Recently, a worker came to MLA's attention. He worked at a Maryland food processing plant. He complained about being forced to work close to other workers that were exhibiting symptoms of COVID-19. The employees were improvising PPE or sharing their PPE. The worker wanted to remain anonymous for fear of retaliation. HB 577 establishes reasonable standards to prevent the spread of COVID-19 by instituting practical PPE requirements and provisions preventing retaliatory conduct by employers.

HB 577 will help ensure that those employers who hire essential agricultural workers implement distancing, provide PPE, and frequently clean common areas to prevent employees from being infected with COVID-19. HB 577 will also ensure that employers provide social isolation for those infected or at an increased risk of infection.

HB 577 is a timely and necessary step to mitigate the spread of COVID-19 among workers, as well as the general public, throughout Maryland. The Bill also ensures that Maryland's agricultural business will not be interrupted and that safe and bountiful food remains in Maryland's stores and on Marylanders' plates. Maryland Legal Aid supports HB577 without amendments and asks that this committee give it a favorable report.

/s/ Scott Black
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