

Testimony on SB486, the Maryland Essential Workers Protection Act (MEWPA)

Chairwoman Kelley, Vice Chair Feldman. Good afternoon. My name is Scott Schneider. I am a Certified Industrial Hygienist (CIH) and a Fellow Member of the American Industrial Hygiene Association. I have been working as an industrial hygienist for over 40 years and most of my career has been focused on construction safety and health. I retired a few years ago from the Laborers' Health and Safety Fund of North America where I was Director of Occupational Safety and Health for over 17 years. I have been a Maryland resident for over 35 years living in District 20. I am testifying today on behalf of about twenty health and safety professionals (names appended) living in Maryland many of whom have been active for decades in this field and the National Council for Occupational Safety and Health. I am testifying in support of this bill with amendments.

Essential workers in Maryland have put their lives on the line going to work without guarantees that their workplace is safe from SARS-CO-V2 exposure and related hazardous conditions. They have filed thousands of complaints with MOSH only to have those complaints referred to local health departments which do not have the enforcement powers of MOSH. MOSH is the State agency empowered to investigate workplace safety and health problems and force companies to ensure they are safe. Despite petitions from dozens of groups over the past 10 months, the Governor has refused our pleas to issue an emergency workplace COVID standard and thousands have died as a result.

This bill will help rectify this problem by requiring employers to provide personal protective equipment at no cost to employees, empowering workers to refuse unsafe work, requiring written protocols and emergency preparedness plans, assistance with health care costs, health and bereavement leave and hazard pay. It is a significant step towards justice and safety for these workers that we rely on. But we need to go further. Which is why we recommend that MOSH be required to immediately issue an emergency temporary standard (ETS) for aerosol transmissible diseases, followed by a permanent standard within 6 months. MOSH has the authority to do this. Virginia OSHA has already issued an emergency standard and on January 27th issued their permanent standard which could be used as a model. I recommend incorporating HB 124, which requires an ETS and permanent standard be issued, into this legislation to accomplish this.

Some have questioned the need for a permanent standard when, hopefully, the pandemic may have abated by Fall. The answer is first the pandemic may still have surges this Fall, depending on vaccine distribution and efficacy as well as new variants or due to lack of social distancing and mask wearing. Second, this may not be the last pandemic we experience. If, or when, a new pandemic arises, we will have the tools ready to meet the challenge.

Secondly, Federal OSHA is currently considering issuing an Emergency Temporary Standard (ETS). If they do, Maryland is required to adopt it, or a standard which is equally or more protective. You must require that MOSH adopt any Federal ETS immediately. In the past MOSH has dragged its heels and waited to adopt Federal rules until all litigation has been resolved. This is contrary to OSHA procedures and would gut the intent of an ETS, allowing workers in Maryland to continue to suffer without sufficient protections or enforcement.

This bill and the ETS are urgently needed. I urge a Favorable vote on the bill with the recommended amendments.

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