



February 11, 2021

Madam Chair Delores Kelley
Senate Finance Committee
3 East
Miller Senate Office Building
Annapolis, Maryland 21401

Re: HB 0581/SB 0486 - Maryland Essential Workers' Protection Act

Dear Madam Chair Kelley, Vice-Chair Feldman, and Members of the Senate Finance Committee:

The Maryland State Pest Control Association (MSPCA) the only trade group for structural pest management companies or “pest control” companies in Maryland, appreciates the opportunity to provide comments regarding **HB 0581/SB 0486 - Maryland Essential Workers' Protection Act**. MSPCA member companies manage pests including rodents, ants, cockroaches, bed bugs, mosquitoes, spiders, stinging insects, termites, ticks, and other pests in countless commercial, residential, and institutional settings. MSPCA members are committed to providing essential and quality pest management services that protect public health, food, and property.

Structural pest control is an essential industry in Maryland and nationally. Amid the COVID-19 pandemic, the professional structural pest control industry continues to provide essential services to Maryland’s food production facilities, grocery stores, restaurants, food banks, shelters, hospitals, medical institutions, nursing homes, multifamily housing units, schools, universities, prisons, warehouses, homes, and businesses. We cannot afford to have our medical facilities, grocery stores, or homes uninhabitable due to pests and pest-related diseases.

MSPCA is Supportive of Measures Protecting and Rewarding Essential Workers

MSPCA member companies protect essential pest control workers, are supportive of protecting essential workers, and our industry has championed policies that reward essential workers for working during the COVID-19 pandemic. MSPCA, along with our joint-national association, the National Pest Management Association (NPMA) supported the AG CHAIN Act during the last Congress that would have provided a federal tax holiday and a payroll tax exemption for all essential employees in the food and agriculture industry defined by the U.S. Department of Homeland Security’s Cybersecurity and Infrastructure Agency (CISA) guidance.¹ Essential pest control workers earning up to \$75,000 would’ve been eligible for the tax benefits in the AG CHAIN Act, as pest control is classified under Food & Agriculture by the CISA guidance with: “Workers supporting the sanitation and pest control of all human and animal food manufacturing

¹ <https://www.congress.gov/bill/116th-congress/house-bill/6841/text>

processes and operations from wholesale to retail.”² MSPCA is supportive of policies, such as tax benefits for rewarding essential workers.

Additionally, our industry has advocated for essential pest control workers to receive the COVID-19 vaccine in Phase 1B³, as the CDC’s Advisory Committee on Immunization Practices (ACIP) has recommended.⁴

The well-being of the pest control workforce is a top priority for our industry, as our businesses have advocated for worker protection policies and implemented measures at the workplace that protect our employees. Everything from relating to PPE availability, social distancing, leave policies, and many others to help accommodate our essential workforce during the COVID-19 pandemic have been implemented by pest control businesses.

Concerns with Potential Disruptions Caused by HB 0581 – Industry Classification

Governor Larry Hogan decided to follow CISA’s list when determining which businesses are essential vs. non-essential.⁵ Essential pest control businesses have been operating in Maryland according to this classification. HB 0581/SB 0486, however, decides to re-classify pest control workers as “exterminators” under a new “chemical/commercial sector.”

This re-classification for our industry in HB 0581/SB 0486 could potentially jeopardize the morale, mental health, and physical health of essential pest control workers in Maryland. It is our understanding that essential pest control workers are receiving the vaccine in Maryland under phase 1C due to their classification under Food & Agriculture. HB 0581/SB 0486 would re-scramble the classifications during the same time as vaccinations are being rolled-out under Governor’s classification system.

HB 0581/SB 0486’s re-classification of pest control workers could send essential pest control workers to the back of the line for COVID-19 vaccines, thereby defeating the bill’s intent to protect essential workers. Please do not jeopardize essential pest control workers’ ability to receive the vaccine in Phase 1C by re-classifying our workforce and triggering additional confusion and stress.

Other Concerns with HB 0581 that Could Disrupt Essential Pest Control Workers and Businesses

On Page 11, 3-1605 2 (I) it reads that “unsanitary conditions” in the workplace constitute an “unsafe work environment.” Pest control involves managing dangerous and deadly pests that are inherently unsanitary. We are concerned that this provision could prevent pest control workers from performing pest control services (e.g., retrieving dead rodents from a trap).

²https://www.cisa.gov/sites/default/files/publications/ECIW_4.0_Guidance_on_Essential_Critical_Infrastructure_Workers_Final3_508_0.pdf

³https://npmapestworld.org/default/assets/File/publicpolicy/Pest%20Control_COVID-19%20Vaccine%20Priority_NPMA%20Letter.pdf

⁴<https://www.cdc.gov/vaccines/acip/meetings/downloads/slides-2020-12/slides-12-20/02-COVID-Dooling.pdf>

⁵<https://governor.maryland.gov/2020/03/23/governor-hogan-announces-closure-of-all-non-essential-businesses-175-million-relief-package-for-workers-and-small-businesses-affected-by-covid-19/>

Page 17 - 3-1609 requires retroactive hazard pay for employees. Many pest control businesses have struggled to stay afloat and looked for innovative and cost-saving measures to keep employees on the payroll. The proposed hazard pay increase could not only put some pest control businesses on fragile footing regarding complying with federal PPP loan rules, but also could cause pest control businesses to consider layoffs or closing their businesses in order to comply with this provision in HB 0581. Many of our member companies will not have the funds to comply with this, continue to stay in business, and provide essential workers with jobs.

Lastly, we have concerns with many other provisions, but for time and brevity we hope to discuss at a later time.

Conclusion

MSPCA appreciates the opportunity to share our views on HB 0581/SB 0486. We welcome the opportunity to meet to discuss these comments and answer questions about the essential pest control industry. We share the intent with the bill authors to protect essential workers, believe that a stakeholder process would provide for a more effective bill, and suggest that parts of HB 0581/SB 0486 be separated and considered as smaller pieces of legislation. Thank you for your time.

Sincerely,

Samantha Forrest
Maryland State Pest Control Association