



HOUSE APPROPRIATIONS COMMITTEE

Senate Bill 26

**Labor and Employment - Occupational Safety and Health - Revisions (Davis
Martinez Public Employee Safety and Health Act)**

March 26, 2025

Letter of Information

Chair Barnes, Vice Chair Chang, and members of the committee, thank you for the opportunity to offer testimony on Senate Bill 26. Senate Bill 26 establishes a Public Employees' Safety and Health (PESH) Unit in the Division of Labor and Industry within the Maryland Department of Labor (MD Labor). The bill requires the Commissioner of Labor and Industry to appoint an Assistant Commissioner for PESH to head the unit, subject to the Secretary of Labor's approval. The bill expands the existing Maryland Occupational Safety and Health (MOSH) program by establishing penalties for public bodies and elected officials and enhancing notification and reporting requirements for public bodies, among other requirements and specifications.

USM strongly supports the goal of creating a safer workplace for employees. However, the USM is concerned that the bill, as proposed, would increase administrative and fiscal burdens without a significant impact on improving the safety of working conditions for Maryland's public employees.

A primary concern is the negative impact of civil penalties within the context of public employment. While current law allows USM and other public employers to appeal citations for workplace safety violations, the threat of civil penalties would increase the likelihood of appeals and further litigation. This may impose significant cost to the extent that the Office of Attorney General may be conflicted out of representing USM institutions if it is actively representing MOSH in pursuing civil penalty claims. Both the fines themselves and the resulting litigation costs would divert taxpayer resources that are more appropriately focused on investing resources in workplace safety.

The USM takes the safety and health of its employees seriously. USM institutions already have robust health and safety programs and protocols in place. Much of the proposed legislation duplicates safety and health enforcement already conducted by MOSH and significantly increases reporting requirements and external inspections. Implementation of modified health and safety requirements, while some are redundant, will require additional staff support and enhancements to tracking software/programs across all USM institutions to implement additional reporting requirements and increased inspections.

The USM knows you're well aware of the current budget climate as we all are. The recently proposed reductions to our budget of 5% amount to \$111 million. This is in addition to last year's cut and another mid-year cut to the FY25 budget which leaves the USM down over \$180 million cumulatively in FY25 and FY26. The increased staffing and other resources that would be required to support the additional reporting requirements and increased inspections would be challenging for our institutions in these uncertain times.

Thank you again for the opportunity to offer these comments on Senate Bill 26. We look forward to an opportunity to work with the sponsor to address these concerns.

