



Bill Title: SB 434, Labor and Employment - Occupational Safety and Health - Heat Stress Standards

Committee: Finance

Date: February 20, 2020

Position: Unfavorable

This testimony is offered on behalf of the Maryland Multi-Housing Association (MMHA). MMHA is a professional trade association established in 1996, whose members consist of owners and managers of more than 210,000 rental housing homes in over 958 apartment communities. Our members house over 538,000 residents of the State of Maryland. MMHA also represents over 250 associate member companies who supply goods and services to the multi-housing industry.

Senate Bill 434 requires the Commissioner of Labor and Industry to adopt regulations, on or before October 1, 2022, that include a standard establishing heat stress levels and to ensure that all employers comply with requirements with respect to occupational exposure to excessive heat. This bill also mandates that employers develop, implement, and maintain an excessive heat-related illness prevention plan for employees.

Under the General Duty Clause, Section 5(a)(1) of the Occupational Safety and Health Act of 1970, employers are required to provide their employees with a place of employment that "is free from recognized hazards that are causing or likely to cause death or serious harm to employees." The courts have interpreted OSHA's general duty clause to mean that an employer has a legal obligation to provide a workplace free of conditions or activities that either the employer or industry recognizes as hazardous and that cause, or are likely to cause, death or serious physical harm to employees when there is a feasible method to abate the hazard. This includes heat-related hazards that are likely to cause death or serious bodily harm. The National Institute for Occupational Safety and Health (NIOSH) has also published criteria for a recommended standard for occupational heat stress. NIOSH guidance includes recommendations for employers about how to prevent heat-related illnesses.

In addition to OSHA and NIOSH, employers maintain occupational heat stress policies depending upon the industry. Given the standards currently required and the employment policies in place, MMHA does not believe this legislation is needed.

For the foregoing reasons, MMHA respectfully requests an **unfavorable report with amendment on Senate Bill 434.**

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