MAPT_FAV_SB434
Uploaded by: Ascher, Jason
Position: FAV

Mid Atlantic Pipe Trades Association

Plumber, Steamfitter, Sprinkler Fitter,
Pipe Fitter, Pipe Welder, HVAC Service Tech

Maryland Senate – Senate Finance Committee

TO: Senator Delores Kelley, Chair; and Member of the Senate Finance Committee
FROM: Jason Ascher, Political Director – Mid-Atlantic Pipe Trades Association

Support SB 434 – Labor and Employment – Occupational Safety and Health – Heat Stress Standards

On behalf of the Mid-Atlantic Pipe Trades Association and it's over seven thousand members from United Association Locals across the state, I ask that you SUPPORT SB 434.

With the record number of days with extreme heat on the rise, heat related death are increasing. Construction worker are one of many fields who spend almost their entire work day exposed to this heat. With construction some of the places they work it may get even hotter than the outside temperature. It is important to protect workers from heat related injuries. Simply making sure employers have a plan for the worksite which provides for water, monitoring worker for exposure to heat, and providing paid breaks will help decrease these unnecessary injuries and deaths. Maryland OSHA should set stress rules and ensuring that worksites have everything necessary to protect their workers.

For the reasons listed above, I ask that you SUPPORT SB 434 with a favorable report.

Sincerely,
Jason Ascher
Political Director
Mid-Atlantic Pipe Trades Association
7050 Oakland Mills Road, Suite 180
Columbia, MD 21046

AFSCME434_BASLER_FAV_SB434
Uploaded by: Basler, David
Position: FAV

Local 434 AFSCME
We Make Maryland Happen

AMERICAN FEDERATION OF
STATE, COUNTY AND MUNICIPAL
EMPLOYEES, AFL-CIO

Local Office
615 Frederick Rd
Catonsville Maryland 21230

SB 434 - Labor and Employment - Occupational Safety and Health - Heat Stress Standards
Thursday, February 20th, 2020

Senate Finance Committee
FAVORABLE
David C. Basler, AFSCME Local 434 Executive Board Member

Senator Kelley & Members of the Senate Finance Committee,

I am asking that you approve of this bill as we seek guaranteed protections for Maryland from Hot environments workers in the workplace.

I have worked in the Grounds Department for Baltimore County Public Schools for over 35 years. In this time working outside in all types and extremes of conditions I have witnessed firsthand the stress on folks working outside extreme heat effects individuals differently. People handle these conditions differently and sometimes the same conditions effect people differently than they previously experienced.

When I first joined the BCPs Grounds, the standard applied by the Manager was when the temperature rose above 90 “take a ten-minute break every hour”; currently it’s “Be Safe Stay Hydrated”; “make sure you drink plenty of water”. These are all great ideas. What’s lacking is a industry wide standard for Employee Safety.

Please approve this Bill, give our employees the protection they deserve.

Thank you again for your considerations,

David C. Basler
AFSCME Local 434 Executive Board Member

INSULATORS24_FAV_SB434
Uploaded by: Cavey, Brian
Position: FAV

INTERNATIONAL ASSOCIATION OF HEAT & FROST INSULATORS & ALLIED WORKERS
Local No. 24 City Baltimore/Washington State MD & DC
Address 901 Montgomery St., Laurel, MD 20707

February 18, 2020

Maryland Senate
Finance Committee
Chair: Delores E Kelley
Vice Chair: Brian Feldman

FAVORABLE
SB 434 - Labor and Employment - Occupational Safety and Health - Heat Stress Standards

Heat and Frost Insulators & Allied Workers Local 24
Brian S Cavey, Business Manager
brian.cavey@insulators24.org

Every year, dozens of workers die and thousands more become ill while working in extreme heat or humid conditions. There are a range of heat illnesses and they can affect anyone, regardless of age or physical condition. Working in a hot environment can cause heat stroke, heat exhaustion, heat cramps, or heat rash. In addition, heat increases the risk of injury for workers because of sweaty palms, fogged-up safety glasses, and dizziness. Burns also can occur when a worker comes in contact with a hot surface or steam.

Thousands of Maryland workers are exposed to heat in their workplaces. Although illness from exposure to heat is preventable, every year, too many workers become sick from occupational heat exposure, and some cases are fatal. Occupational risk factors for heat illness include heavy physical activity, warm or hot environmental conditions, lack of acclimatization, and wearing clothing that holds in body heat. Hazardous heat exposure can occur indoors or outdoors, and can occur during any season if the conditions are right, not only during heat waves. The following is a list of some industries where workers have suffered heat-related illnesses.

Outdoors	Indoors
Agriculture	Bakeries, kitchens, and laundries (sources with indoor heat-generating appliances)
Construction – especially, road, roofing, and other outdoor work	Electrical utilities (particularly boiler rooms)

Outdoors	Indoors
Construction – roofing work	Fire Service
Landscaping	Iron and steel mills and foundries
Mail and package delivery	Manufacturing with hot local heat sources, like furnaces (e.g., paper products or concrete)
Oil and gas well operations	Warehousing

Washington, Minnesota, and California have specific laws governing occupational heat exposure. Federal OSHA has a General Duty Clause (Section 5[a][1] of the Occupational Safety and Health Act of 1970) that requires employers to provide a place of employment that is "free from recognized hazards that are causing or are likely to cause death or serious physical harm to employees." The OSHA Technical Manual Chapter on Heat Stress establishes that OSHA uses WBGT[i] to determine if a heat hazard was present. CDC's National Institute for Occupational Safety and Health (NIOSH) publishes recommended occupational exposure limits for heat stress. These limits, which are consistent with those of the American Conference of Governmental Industrial Hygienists (ACGIH), specify the maximum combination of environmental heat and metabolic heat (i.e., workload) to which workers should be exposed. Exposure limits are lower for workers who are unacclimatized to heat, who wear work clothing that inhibits heat dissipation, and who have predisposing personal risk factors.

The Maryland General Assembly can direct Maryland OSHA to promulgate a heat stress rule, requiring employers to implement heat stress plans on the worksite, which includes training, paid breaks, providing water, monitoring worker exposure to heat, and maintaining records on heat injuries and precautions taken to prevent them. Please vote in favor of SB 434.

Sincerely,

Brian S Cavey, Business Manager

[i] The Wet Bulb Globe Temperature (WBGT) is a measure of the heat stress in direct sunlight, which takes into account: temperature, humidity, wind speed, sun angle and cloud cover (solar radiation). This differs from the heat index, which takes into consideration temperature and humidity and is calculated for shady areas.

HAZARD ALERT

CPWR

WORKING IN HOT WEATHER

Am I in danger?

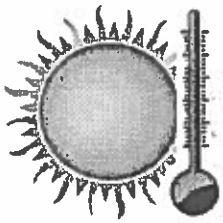
OSHA says that each year, thousands of workers get sick from heat exhaustion or heat stroke. **Some even die.**

You are at risk if you:

- Work in hot and humid conditions;
- Do heavy physical labor; and
- Don't drink enough water.

This risk is greater for workers who are not used to the heat.

But you can protect yourself *and* feel better as you work by dressing for hot conditions and taking frequent breaks for water and shade.



What to look for...

Signs of **Heat Exhaustion:**

- Weakness and wet skin
- Headache, dizziness or fainting
- Nausea or vomiting

Signs of **Heat Stroke:**

- Confusion or fainting
- May stop sweating – dry, hot skin
- Convulsions or seizures

Get help if you or a co-worker has these signs. HEAT STROKE IS A MEDICAL EMERGENCY. IT CAN BE DEADLY. If a co-worker shows signs of heat stroke, **call 911**.

If you think you are in danger:

Call OSHA
1-800-321-OSHA

Protect yourself ...

1 Dress for hot conditions

Wear clothes that are:

- Light-colored (white, etc.)
- Loose-fitting
- Lightweight

Wearing heavy protective clothing or personal protective equipment may increase your risk you may need more frequent breaks for rest and water.

PHOTO COURTESY OF CAL-OSHA

2 Drink Water

Drink water every 15 minutes when working in hot conditions.

DO NOT wait until you are thirsty to drink water.
DO NOT drink alcohol and **AVOID** caffeine.

PHOTO COURTESY OF NEIL LIPPY

3 Take Breaks

Take frequent rest breaks in shaded, cooled or air-conditioned areas.

If you see a co-worker with symptoms of **Heat Exhaustion**, speak up.

If you see a co-worker with symptoms of **Heat Stroke**, seek medical attention immediately!

Your employer should:

- Have a heat illness prevention program and emergency plan.
- Provide training on heat hazards and steps to prevent heat-related illnesses.
- Provide clean, cool water – about 4 cups (that's two 16-ounce bottles) each hour.
- Schedule frequent breaks in shaded or cooled areas.
- Gradually increase workloads for workers new to the heat.

Learn more about
heat-related illnesses and how to prevent them at
http://bit.ly/CPWRHotWeather
To receive copies of this Hazard Alert and cards on other topics
Call 301-578-8500

 Production of this document was supported by cooperative agreement OH 009762 from the National Institute for Occupational Safety and Health (NIOSH). The contents are solely the responsibility of the authors and do not necessarily represent the official views of NIOSH.

AFSCME434_CLARK_FAV_SB434
Uploaded by: Clark, John
Position: FAV

Local 434
AFSCME
We Make Maryland Happen

AMERICAN FEDERATION OF
STATE, COUNTY AND MUNICIPAL
EMPLOYEES, AFL-CIO

Local Office
615 Frederick Rd
Catonsville Maryland 21230

SB 434 - Labor and Employment - Occupational Safety and Health - Heat Stress Standards

Thursday, February 20th, 2020

Senate Finance Committee

FAVORABLE

John H. Clark, AFSCME Local 434 Executive Board Member

Senator Kelley & Members of the Senate Finance Committee,

I am now in my eleventh year as a Baltimore County Public Schools bus driver. I have worked during the summer all eleven of those years. As it's been well documented, the temperature got hotter with each passing summer. For ten of those eleven years, I was behind the wheel of a bus that had no air conditioning at all. I would get on my bus in the morning dry as a bone, and by mid-day, my clothes would be soaking wet from all the sweating I did(and that was with all of the windows fully open). The afternoon was even worse. The only busses that had air conditioning units on them were the busses that were reserved for special needs runs and there weren't many of those available. These working conditions are not only uncomfortable and unhealthy for the drivers, but for the students as well. There has been a shortage of drivers in my workplace for quite a few years now, especially during the summer months, and the biggest reason is because of the working conditions we have to endure.

Please approve this Bill, give our employees the protection they deserve.

Thank you again for your considerations,

John H. Clark
AFSCME Local 434 Executive Board Member

32BJSEIU_FAV_SB434
Uploaded by: Contreras, Jaime
Position: FAV

32BJ SEIU
Stronger Together

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INTERNATIONAL UNION
CTW, CLC

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President

LARRY ENGELSTEIN
Secretary Treasurer

LENORE FRIEDLAENDER
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JOHN THACKER

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District 1201
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Florida District
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Hudson Valley District
914.328.3492

Mid-Atlantic District
215.226.3600

National Conference of Firemen and Oilers
606.324.3445

New England District 615
617.523.6150

New Jersey District
973.824.3225

Western Pennsylvania District
412.471.0690

www.seiu32bj.org

SB 434 - Labor and Employment - Occupational Safety and Health - Heat Stress Standards
February 20, 2020
Senate Finance Committee
FAVORABLE

Testimony of Jaime Contreras, Vice President and Director, Capital Area District, 32BJ SEIU

Committee Chair Kelley and members of the committee. My name is Jaime Contreras, Vice President of SEIU 32BJ.

Thank you for the opportunity to submit testimony on behalf of the union's 20,000 members in Maryland and the D.C. Metropolitan Area. SEIU 32BJ represents thousands of airport workers on the East Coast. Workers at BWI are currently organizing with our union, including ground service workers exposed to high heat and humidity working outside in the Summer.

Not only do unsafe high heat conditions impact ramp and baggage handlers, but they also could harm cabin cleaners who often have to do work on airplanes without air conditioning turned on. In addition, at BWI, many of the trucks that workers drive do not have air conditioning.

This bill would also impact security officers at locations throughout the state who may not have access to water and shade, but are forced to be in the sun all day, and commercial office building cleaners who work overnight shifts buildings with the air conditioning turned off.

The State of Maryland typically records 30 days with a heat index of 90 degrees Fahrenheit or more every year. That number is expected to rise to between 63-73 days of high heat index temperatures in the near future.[i]

In other states, OSHA has investigated unsafe high heat conditions. For example, at Miami International Airport, OSHA issued a citation to airline contractor Eulen America concerning an unsafe heat condition. Eulen America was found to have violated OSHA's General Duty Clause which requires employers to provide a place of employment free from recognized hazards that were causing or likely to cause death or serious physical harm to employees. OSHA found that ramp and baggage handlers which engaged in heavy material handling were exposed to temperature levels that may lead to development of serious heat-related illnesses such as, but not limited to, heat cramps, heat exhaustion, heat stroke and death.''

We urge you to support SB434 and direct Maryland OSHA to promulgate a heat stress rule, requiring employers to implement heat stress plans on the worksite, which includes training, paid breaks, providing water, monitoring worker exposure to heat, and maintaining records on heat injuries and precautions taken to prevent them.

[i] Union of Concerned Scientists (USC) 2019. USC Killer Heat Data, online http://www.ucsusa.org/killer-heat

MDDCAFLCIO_FAV_SB434
Uploaded by: Edwards, Donna
Position: FAV

MARYLAND STATE & D.C. AFL-CIO

AFFILIATED WITH NATIONAL AFL-CIO

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President
Donna S. Edwards

Secretary-Treasurer
Gerald W. Jackson

SB 434 – Labor and Employment – Occupational Safety and Health – Heat Stress Standards
Senate Finance Committee
February 20, 2020

SUPPORT

Donna S. Edwards
President
Maryland State and DC AFL-CIO

Madam Chair and members of the Committee, thank you for the opportunity to submit testimony supporting SB 434 – Labor and Employment – Occupational Safety and Health – Heat Stress Standards. My name is Donna S. Edwards and I am the President of the Maryland State and District of Columbia AFL-CIO. On behalf of the 340,000 union members I offer the following comments.

Employees who work outdoors and indoors in non-air-conditioned spaces are exposed to excessive heat and temperatures that threaten health and life. Maryland workers are trying to cope in these dangerous hot environments, with the increased risk of heat-related illness, as the severity and frequency of extreme heat rises. These workers are at dire risk of serious illnesses such as heat stroke, heat exhaustion, heat cramps, heat rash, and even death.

The State of Maryland typically records 30 days with a heat index of 90 degrees Fahrenheit[1] or more every year. That number is expected to rise to between 63-73 days of high heat index temperatures in the near future[2]. In 2014, there were 8 heat-related deaths in Maryland. In 2016, there were 17 heat-related deaths, and by 2018 Maryland saw 28 heat-related deaths[3]. These deaths are avoidable.

SB 434 requires the Commissioner of Labor and Industry to create heat stress rules, requiring employers to implement heat stress plans on the worksite, which includes training, paid breaks, providing water, monitoring worker exposure to heat, and maintaining records on heat injuries and precautions taken to prevent them.

---

[1] Heat index is a combination of temperature and humidity that creates a "feels like" temperature. Heat is more harmful to human health when humidity is high because high humidity impedes evaporation of sweat – reducing the body's ability to cool itself.

[2] Union of Concerned Scientists (USC) 2019. USC Killer Heat Data, online http://www.ucsusa.org/killer-heat

[3] Maryland Department of Health - https://preparedness.health.maryland.gov/Documents/2018%20Summary%20Heat%20Report.pdf

At the 32nd Biennial Convention of the Maryland State and D.C. AFL-CIO – in November of 2019 – the body unanimously passed ***"Resolution 5: Guarantee Maryland Workers Protection from Hot Environments"*** (a copy has been included with this testimony) that lays out the issue of on-the-job heat-related injuries and deaths, and calls for action by the State. SB 434 provides the best path forward on protecting Maryland workers.

We ask for a favorable report on SB 434.

Resolution #5: Guarantee Maryland Workers Protection from Hot Environments

WHEREAS, every year, thousands of Maryland workers are placed at risk of work-related illness and death associated with exposure to excessive heat both outdoors and indoors. The risk will only climb as the severity and frequency of extreme heat are expected to rise sharply in coming years. The State of Maryland typically records 30 days with a heat index of 90 degrees Fahrenheit (90°F) or more every year. That number is expected to rise to between 63-73 days of high heat index temperatures by mid-century. Outdoor workers will be put at greater danger. Workers exposed to stifling heat in un-cooled and poorly ventilated buildings will see their exposure sky-rocket as well;

WHEREAS, workers at high risk of exposure can be found in a wide variety of Maryland jobs including but not limited to:

- Construction
- Heating, ventilation and air-conditioning
- Insulation – residential and commercial
- Landscaping, agriculture, forestry and fishing
- Commercial vehicles and transportation facilities
- Road work and utility repair and maintenance
- Waste water treatment and water plants
- Sanitation and recycling
- Firefighting
- Commercial dry-cleaning and laundry
- Warehousing
- Manufacturing with hot operations
- Postal workers and letter carriers
- Bakery workers
- Boiler room workers;

WHEREAS, recent research has shown that outdoor workers are more susceptible to heat-related illness and death at a heat index above 90 degrees Fahrenheit (90°F). Exposure to direct sun can raise the heat index by as much as 15°F;

WHEREAS, the U.S. Department of Labor, Bureau of Labor Statistics in 2015 identified nearly 3,000 cases of injury or illnesses and thirty-seven fatalities associated with heat exposure nationwide. The State of Maryland ranked in the top thirteen states with high rates of heat-related illness – posting a rate of 0.3 cases per 10,000 full-time employees. These findings are an incomplete glance of a growing trend. Employers often don't record heat-related illnesses; workers many times are reluctant to report. As it gets hotter, even more cases will probably go unreported for a variety of reasons including worker reluctance to report because of fear of retaliation;

WHEREAS, exposure to extreme heat at work can result in illnesses caused by heat stress including heat stroke, heat exhaustion, heat cramps, heat rash, heat syncope (dizziness, light headedness) and even death. Workers at greater risk of heat stress include those who are 65 years of age or older, are overweight, have heart disease or high blood pressure, or take medications that may be affected by extreme heat;

WHEREAS, construction workers account for about 1/3 of occupational heat-related deaths and illnesses. A recent analysis of occupational heat-related deaths from 1992-2016 found that construction workers who constitute just 6% of the total workforce accounted for 36% of the heat-related deaths;

WHEREAS agricultural workers have high rates of heat-related deaths compared to the general working population. An analysis of the rate of heat-related deaths from 1992-2006 among agricultural workers compared to that of the US civilian workforce found that the rate for agricultural workers was 100 times greater;

WHEREAS, during extremely hot days, heat-related deaths spike and hospital admissions for heat-related illnesses rise;

WHEREAS, lack of access to regular breaks, shade, water and medical services for workers exposed to extreme heat is not only associated with serious health consequences but also with significant reduction in work productivity;

WHEREAS, one study of a heat stress program to reduce heat-related illness in municipal workers demonstrated a steep decline in workers' compensation claims for heat-related conditions when a comprehensive program was instituted. Instituting a comprehensive preventive program saves lives and is cost-effective.

WHEREAS, Maryland has a State OSHA program and thus has the right and ability to promulgate occupational health and safety standards to protect Maryland workers (as three other states (CA, WA and MN) have already done.)

THEREFORE, BE IT RESOLVED, that the Maryland State and District of Columbia AFL-CIO support legislation mandating that the Maryland Occupational Safety and Health Administration commence rule-making on protecting indoor and outdoor workers from exposure to excessive heat with promulgation of a final rule by 2022. The final rule must at a minimum include provisions for:

- Heat stress thresholds and protective measures recommended by the National Institute for Occupational Safety Health;
- A requirement for employers to conduct an assessment of heat exposure in the workplace and to develop a written program that details how the employer will reduce or eliminate exposure to excessive heat;
- Mandatory rest breaks from hot environments;
- Access to shade and adequate supplies of water;
- Heat acclimatization plans that allow workers to gradually adapt to hot environments when they start work in high heat environments;
- Exposure monitoring and medical monitoring
- Surveillance and record-keeping
- Personal protective equipment (PPE)
- Worker information and training.

Submitted by: *Donna S. Edwards, President*
Maryland State and D.C AFL-CIO
Delegate, AFSCME 112
Gerald W. Jackson, Secretary-Treasurer
Maryland State and DC. AFL-CIO
Delegate, UA 486

Committee: Industrial Safety

Convention Action: Unanimously passed

CWA2108_FAV_SB434
Uploaded by: Irwin, Marilyn
Position: FAV

Communications
Workers of America
Local 2108 AFL-CIO
10782 Rhode Island Avenue
Beltsville, Maryland 20705

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Fax 301-595-2412
www.cwalocal2108.org

TESTIMONY IN SUPPORT OF S.B. 434

LABOR AND EMPLOYMENT - OCCUPATIONAL SAFETY AND HEALTH - HEAT STRESS STANDARDS

February 20, 2020

TO: Hon. Delores Kelley, Chair, and Members of the Senate Finance Committee

FROM: Marilyn Irwin, President CWA Local 2108

Senator Kelley and Senate Finance Committee Members,

On behalf of the 1700 CWA members I represent, I am writing to express my strong support of S.B. 434. Employees who work outdoors and indoors in non-air conditioned spaces are often exposed to excessive heat to a degree that can threaten their health and their life. These dangerously hot environments affect thousands of Maryland workers, and can put them at dire risk of serious illnesses such as heat stroke, heat exhaustion, heat cramps, heat rash and even death, all of which are preventable.

In addition to my members who work in Telecommunications, those who work in Transportation, Roadwork, Landscaping, Sanitation, Manufacturing, Commercial Laundries, Construction, Firefighting, Airline Ground Service Workers and other Utility Workers are at risk.

Because Federal OSHA has no regulations that require employers to protect their employees from heat stress, we need the Maryland General Assembly to direct Maryland OSHA to promulgate a heat stress rule, which would require employers to implement heat stress plans on their worksite. These plans could include training, paid breaks, providing water, monitoring worker exposure to heat, and maintaining records on heat injuries and precautions taken to prevent them.

Per Maryland Department of Health documents, heat-related deaths are on the rise. There were 8 heat-related deaths in Maryland in 2014, a number which rose to **28** in 2018. S.B. 434 will provide common sense legislation to prevent senseless deaths in the future.

Thank you for your attention to this very important matter.

Sincerely,

Marilyn Irwin

SMARTTD_FAV_SB434
Uploaded by: Kasecamp, Larry
Position: FAV

LARRY KASECAMP
Legislative Director

VACANT
Assistant Director

THOMAS CAHILL
Secretary

MARYLAND STATE LEGISLATIVE BOARD

SHEET METAL | AIR | RAIL | TRANSPORTATION
SMART
TRANSPORTATION DIVISION

ANNAPOLIS OFFICE
176 Conduit St., Suite 206
Annapolis, MD 21401-2597

PH: 301-697-2695
utusldmd@gmail.com

February 20, 2020

The Honorable Delores Kelley and
Members of the Senate Finance Committee

RE: SB434

As State Legislative Director for the Transportation Division of the International Association of Sheet Metal, Air, Rail and Transportation Worker's I am urging your committee to **support SB434**, "Labor and Employment - Occupational Safety and Health - Heat Stress Standards."

Our organization represents railroad workers who are employed by CSX, Norfolk Southern Railroad, Canton Railroad, MARC and Amtrak commuter services. Many of our members work outside in all seasons of weather and many times up to 12 hours per day.

With the expectation of temperatures to increase dramatically over the next few decades the state needs to take preventive measures in protecting workers from the effects of occupational exposure to excessive heat.

Requiring the Commissioner of Labor and Industry to adopt regulations that include standards of heat stress levels and to ensure that all employers comply with the requirements is a reasonable solution to this foreseen problem in the workplace.

Having employers develop, implement, and maintain an excessive heat-related illness prevention plan for their employees should be a commonsense practice in the prevention of a possible serious medical condition attributable to this type of exposure.

We urge a favorable report on SB434.

Sincerely

Larry

Lawrence E. Kasecamp
MD State Legislative Director
SMART Transportation Division

SMART100_FAV_SB434
Uploaded by: Killeen, Tom
Position: FAV

SHEET METAL | AIR | RAIL | TRANSPORTATION

International Association of Sheet Metal, Air, Rail & Transportation Workers,
Local Union 100— Sheet Metal Division
Affiliated with AFL-CIO

Richard D. LaBille, III
Business Manager/President
Russell K. Robinson
Financial Secretary-Treasurer

Dear Madame Chair Dolores Kelley,

On behalf of SMART Local Union 100's Members, I'm writing to offer support for SB 434. Heat stress is a significant problem for our members. We Represent 2100 plus members in the State of Maryland. They mostly work in skilled building trades construction industry. They work outdoors and indoors; this can be a two-fold problem. When working outdoors our members must endure the heat, humidity and direct sun eight hours a day with very little shade. When working indoors, especially in the summer, there is no conditioned air or air movement at all. Therefore, they must endure high temperatures and stifling air eight hours a day.

As the summers have gotten hotter and we experience more days above 90F or 100F, our members must cope with hazards associated with these extreme temperatures. Maryland normally has about 25-30 days/year with temperatures above 90Fbut this is expected to rise to 70 to 80 days a year in the next 25 years. Sixty workers died in the US in 2018 from extreme temperatures, a dozen of whom worked in construction. Nine Maryland workers died from heat stress since 1992. Over 17,000 US workers reported heat-related illnesses in 2018 that caused them to miss work (over 2,500 of them were in construction). Yet leading experts believe that there is rampant under-reporting of heat-related illnesses in the US and that extreme exposure takes a toll in long-term health outcome and productivity.

Trends in protecting workers from extreme heat in union construction firms are good. These firms along with their unions have developed programs to help prevent heat-related illnesses, for example shifting schedules to start early in the morning and quitting by early afternoon or shifting to night work. They provide water, rest, shade and training for members on heat stress. But, smaller, nonunion companies often do not. This bill would help level the playing field and require all companies to provide equivalent protection.

4725 Silver Hill Road, Suitland, MD 20746-2400 • Phone: 800-492-8004 Fax: 301-967-1683 • Email: info@smart100.org

Maryland being a State plan state, is required to be "at least as effective" as Federal OSHA program. But Maryland can exceed the minimum standards required. Maryland was one of the first states to protect workers from lead exposure on the job and one of the few states which require protection for tree care workers. Currently there are three other states (CA, WA, and MN). Maryland can join these states to once again become a leader in worker protection. Currently Maryland can only cite employers for heat stress under the "general duties clause" which mandates that employers provide a workplace "free of recognized hazards." The General Duty Clause though is notoriously difficult to enforce. Having a separate requirement specific for heat stress will help clarify an employer's obligations and make it easier for the State to enforce these requirements.

We therefore urge you to support this bill and look forward to working with Maryland OSHA to develop and enforce the standards.

Sincerely,

Thomas Killeen

Bus. Rep./Legislative Dir.

SMART Local Union 100

WMDCLC_FAV_SB434
Uploaded by: Koontz, George
Position: FAV

WESTERN MARYLAND
CENTRAL LABOR COUNCIL, AFL-CIO

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PHONE: 301-777-1820 FAX: 301-777-0121
EMAIL: westmdclc@verizon.net

February 20, 2020

The Honorable Delores Kelley, Chair and
Members of the Senate Finance Committee

Support Testimony for: SB434

Madam Chair and members of the committee, I want to thank you for this opportunity to provide testimony in **support for SB434**, titled *"Labor and Employment - Occupational Safety and Health - Heat Stress Standards."*

My name is George Koontz and I am President of the Western Maryland Central Labor Council of the Maryland State & D.C. AFL-CIO. Our jurisdiction is Allegany and Garrett counties in Western Maryland.

Our affiliates members work in all areas of employment and are represented by dozens of different labor organizations. Many of the affiliates have members who are employed in crafts that perform their duties outside in all types of weather.

SB434 addresses the need to have regulations that will protect workers from the occupational exposure to excessive heat that could result in workers suffering serious medical conditions if not properly protected.

On behalf of the Western Maryland Central Labor Council and all our affiliates we urge your committee to give an favorable report to SB434.

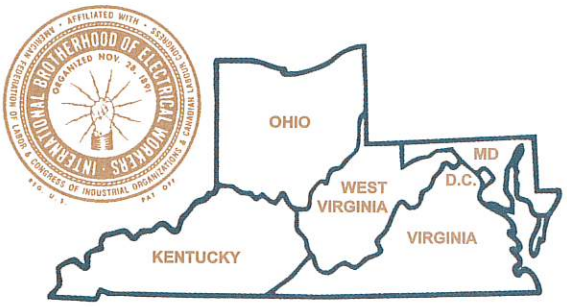
Sincerely,
George A. Koontz
President WMCLC

IBEW4DISTRICT_FAV_SB434
Uploaded by: Malloy, Brian
Position: FAV

IBEW

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS FOURTH DISTRICT

GCC/IBT 81-S



LONNIE R. STEPHENSON
International President

KENNETH W. COOPER
International Secretary-Treasurer

BRIAN G. MALLOY
International Vice President
Fourth District

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February 19, 2020

SB 434 – Labor and Employment – Occupational Safety and Health – Heat Stress Standards
Thursday, February 20, 2020
Senate Finance Committee
FAVORABLE
Brian G. Malloy, International Vice President, International Brotherhood of Electrical Workers Fourth District

Dear Chair Kelley, Vice Chair Feldman, and members of the Finance Committee,

On behalf of the more than 5,700 members of the International Brotherhood of Electrical Workers in Maryland, I am seeking your support for Senate Bill 434. This important bill, currently in session at the Maryland legislature, seeks to mandate the Maryland Occupational Safety and Health Division of Labor and Industry to develop a standard protecting workers from heat stress and its subsequent health hazards.

Each year, thousands of IBEW members working in the construction, utility, transportation, telecommunications, broadcasting, and manufacturing industries, and other Maryland workers in the trades, are vulnerable to the dangers of heat exposure. Notable hazards to health include cramps, exhaustion, stroke, and even death. There are currently no federal Occupational Safety and Health Administration protections in place to protect workers from these hazards.

The proposed legislation will protect workers from dangerous heat exposure and other preventable heat-related health issues. The safety and health of all Maryland workers is of the utmost importance and I respectfully urge you to support this bill.

Sincerely,

Brian G. Malloy

Brian G. Malloy
International Vice President
IBEW Fourth District

BGM/lcm

CWA2107_FAV_SB434
Uploaded by: Opfer, Shannon
Position: FAV

CWA MARYLAND STATE COUNCIL

"EFFECTING CHANGE THROUGH POLITICAL ACTION"

TESTIMONY IN SUPPORT OF SB 434
Heat Stress Standards
February 20, 2020

To: Hon. Delores Kelley, Chair, and members of the Senate Finance Committee

From: Shannon Opfer, President CWA Maryland State Council, President CWA Local 2107

Chair Kelley and members of the Senate Finance Committee,

Senate Bill 434 has the potential to help CWA members across the state. Our members spend every day in and out of attics, cell sites, phone rooms, and outside. Maryland typically has around 30 days with a heat index of 90 degrees Fahrenheit or more every year. Heat related deaths are increasing every year. When a day is over 90 degrees, the inside of an attic or cell site can be well over 100 degrees. Federally OSHA has no regulations to require employers protect their employees from heat stress.

Maryland can direct Maryland OSHA to promulgate a heat stress rule, requiring heat stress plans on the worksite. This can include training, breaks, providing water, monitoring worker exposure to heat, and maintaining record on heat injuries and precautions taken to prevent them.

For all these reasons, CWA is IN SUPPORT of SB 434

Thank you,

Shannon Opfer

Shannon Opfer
President CWA MD State Council
President CWA Local 2107

AFM_FAV_SB434
Uploaded by: Plaine, Mary
Position: FAV

Musicians' Association of Metropolitan Baltimore

1055 Taylor Avenue, Suite 218, Baltimore, MD 21286

Local 40-543,
American Federation of Musicians
Visit our web site at:
http://www.musiciansunion.org

Phone 410-337-7277
Fax 410-337-7279
Email: office@musiciansunion.org
Office Hours Tues to Thurs 10 am to 4 pm

Michael Decker
President

Mary Plaine
Secretary-Treasurer

February 18, 2020

TESTIMONY IN SUPPORT OF SB 434
Labor and Employment – Occupational Safety and Health – Heat Stress Standards
February 20, 2020

TO: Hon. Delores Kelley, Chair, and members of the Senate Finance Committee

FROM: Mary C. Plaine, Secretary-Treasurer, The Musicians' Association of Metropolitan Baltimore, Local 40-543, American Federation of Musicians (AFM)

The Musicians' Association of Metropolitan Baltimore supports SB 434 and asks that the Senate Finance Committee vote to support it and send it on to the full chamber for passage.

Because Federal OSHA has no regulations that require employers to protect their employees from heat stress, SB 434 will enable the Maryland General Assembly to direct Maryland OSHA to promulgate a heat stress rule which will require employers to implement heat stress plans on the worksite, including training, paid breaks, providing water, monitoring worker exposer to heat, and maintaining records on heat injuries and precautions taken to prevent them.

Maryland's summers are hot and getting hotter. Employees who work outdoors – and indoors in non-air-conditioned spaces – are exposed to excessive heat – temperatures that threaten health and life. Thousands of Marylanders are at risk of serious illnesses such as heat stroke, heat exhaustion, heat cramps, heat rash, and even death. The passage of SB 434 will help protect employees from these illnesses and possible death.

Industries with workers at risk include but are not limited to Transportation, Roadwork, Landscaping, Sanitation, Manufacturing, Commercial Laundries, Telecommunications, Airline Ground Service Workers, Construction, Firefighting.

Again, Local 40-543 urges members of the Senate Finance Committee to vote FOR SB 434.

Sincerely,

Mary C. Plaine
Secretary-Treasurer

Support Live Music

UFCW1994_FAV_SB434
Uploaded by: Renne, Gino
Position: FAV

UFCW LOCAL 1994
Municipal & County Government Employees Organization

GINO RENNE PRESIDENT
YVETTE CUFFIE SECRETARY-TREASURER
NELVIN RANSOME RECORDER
WWW.MCGEO.ORG

SB 434 - Labor and Employment - Occupational Safety and Health - Heat Stress Standards
Thursday, February 20th, 2020
FAVORABLE

To: Hon. Delores Kelley, Chair and members of the Senate Finance Committee
From: Gino Renne, President, UFCW Local 1994 MCGEO, VP, UFCW International

On behalf of the 9,000 members of UFCW Local 1994 MCGEO, I express our strong support for SB 434- Occupational Safety and Health- Heat Stress Standards. We represent workers with Montgomery County, the Maryland Park and Planning Commission and the Housing Opportunities Commission who work in environments that would be impacted by this legislation.

One of these members is Felicia Yates, a 61 year old Park and Planning Maintenance Worker with asthma. She became so dizzy when cutting grass in the grueling summer heat that she fell off of the lawn mower and had to crawl to the administrative building. Other members repair buses in hot depots or are highway maintenance workers that lay 350 degree asphalt that on our roads.

Extreme weather is nothing new to Marylanders. We know how dangerously hot and humid it can become and we've now recorded years of record warm temperatures. These rising temperatures make this legislation more important than ever. In 2018 there were 28 heat related deaths in Maryland.

The Maryland Occupational Safety and Health (MOSH) sets standards related to worker's health and safety on the job. Unfortunately, the MOSH follows the Occupational Safety and Health Act which ***has no regulations requiring employers to protect their workforce from heat-related illness***.

While the General Duty Clause, Section 5(a)(1) of the Occupational Safety and Health Act (OSHA) of 1970, states that employers are required to provide their employees with a place of employment that "is free from recognizable hazards that are causing or likely to cause death or serious harm to employees," we've seen employers flout these regulations and we've seen a huge decline in enforcement of workplace protections most recently. In fact, from 2016 to 2018, OSHA inspections for heat declined by 49 percent.

The lack of implicit inclusion of heat stress protections in the OSHA standards could allow employers to escape responsibility.

It is our opinion that this is indefensible. All workers deserve to go home to their families at the end of the day.

SB 434 – Occupational Safety and Health – Heat Stress Standards – can protect Maryland workers. We urge you to pass this legislation.

UNITED FOOD & COMMERCIAL WORKERS LOCAL 1994 ■ 600 SOUTH FREDERICK AVENUE ■ SUITE 200 ■ GAITHERSBURG, MD 20877 ■ 301-977-2447 ■ FAX 301-977-6752

AFSCME-FAV-SB434
Uploaded by: Senator McCray, Senator McCray
Position: FAV

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Patrick Moran - President

Testimony
SB434 – Labor and Employment - Occupational Safety and Health - Heat Stress Standards
Finance
February 20, 2020
Support

AFSCME Council 3 supports SB434. This legislation requires the Commissioner of Labor and Industry to adopt regulations, on or before October 1, 2022, that include establishing heat stress levels. It also establishes employer requirements, including developing and implementing heat-related illness prevention plans for employees.

AFSCME Council 3 represents many workers who would benefit from this legislation: mechanics, housekeepers, employees who work building and servicing our roads and bridges. Often the most dangerous situations can be the ones not as obvious: working in a poorly ventilated shed during a hot summer's day; cleaning in a building that is normally vacated during the summertime; working in a basement next to an aging boiler.

According to the federal Bureau of Labor Statistics, across the country between 1992-2017 815 workers have died, and an additional 70,000 have been seriously injured by heat stress. This is likely an undercounting, as often the signs and symptoms of heat stress are misdiagnosed.

To date California, Minnesota and Washington State – and the U.S. Military – have established standards for heat exposure. With global warming and climate change being readily felt in our state (60 degree days in January!), it's clear that Mother Nature is ratcheting up the heat – Maryland needs to respond with a common sense plan to prevent heat-related illness and injuries before they happen.

On behalf of the working men and women who would most benefit from this legislation, AFSCME Council 3 asks for a favorable report.

AIHA_ FAV_ SB 434
Uploaded by: Senator McCray, Senator McCray
Position: FAV

Testimony of Veronica Stanley, MSPH, CIH, CSP, CESCP
on

Behalf of the

Chesapeake Local Section of the American Industrial

Hygiene Association® (AIHA)

Before the

Maryland Senate Finance Committee

In Support of Senate Bill 434

February 20, 2020

Senator Delores G. Kelley
Chair, Finance Committee
Maryland State Senate

Senator Brian J. Feldman
Vice Chair, Finance Committee
Maryland State Senate

Good Afternoon Chairwoman Kelley, Vice-Chair Feldman, and Members of the Committee:

My name is Veronica Stanley, and I am resident of Brookeville, Maryland, living in District 14. I am a Certified Industrial Hygienist (CIH), Certified Safety Professional (CSP), and a Certified Electrical Safety Compliance Professional (CESCP). Today, I am here representing the Chesapeake Local Section of the American Industrial Hygiene Association (AIHA).

The Chesapeake Local Section, representing industrial hygienists throughout Maryland, supports Senate Bill 434, and encourages your committee to approve the legislation.

This bill is both timely and needed. Heat stress is a significant problem in Maryland and throughout the nation. In 2018 alone, approximately 100 workers in Maryland had to miss work due to a heat-related illness. SB 434 would require Maryland to issue a heat stress standard that is developed with the meaningful participation of employees and employee representatives and would be tailored to address the specific heat hazards present at worksites. Employers would be required to provide annual training and education to employees on how to recognize and reduce the risks of heat stress, as well as how to identify the signs and symptoms heat-related illness and respond when emergencies occur. The bill also contains important record keeping provisions and employee rights protections.

In closing, on behalf of AIHA's Chesapeake Local Section, I encourage the committee to approve Senate Bill 434, as it would make important progress on heat stress prevention for Marylanders. Thank you for your time.

Ames_AIHA_FAV_SB 434
Uploaded by: Senator McCray, Senator McCray
Position: FAV

Testimony of Mark Ames on Behalf of the

American Industrial Hygiene Association® (AIHA)

Before the

Maryland Senate Finance Committee

In Support of Senate Bill 434

February 20, 2020

Senator Delores G. Kelley
Chair, Finance Committee
Maryland State Senate

Senator Brian J. Feldman
Vice Chair, Finance Committee
Maryland State Senate

Good Afternoon Chairwoman Kelley, Vice-Chair Feldman, and Members of the Committee:

My name is Mark Ames, and I am both a resident of Silver Spring, MD, living in District 14, and the head of Government Relations for the American Industrial Hygiene Association® (AIHA). I am here to testify in support of SB 434.

David Lopez was working outside at a construction site when he began feeling ill. It was a Sunday, and it was hot out – in the high 90s. He was operating a forklift, when he started having a headache and feeling disoriented. David was having heat stroke. He was rushed to the emergency room with a temperature of 109 degrees. Heat stroke sets in when your body reaches 104 degrees and is extremely dangerous.

Sadly, David passed away; the heat stroke killed him[1]. He was just 39; a little older than me.

Unfortunately, David's story is far from unique. According to the U.S. Bureau of Labor Statistics, between 1992 and 2016, exposure to excessive environmental heat killed 783 workers, and seriously injured more than 69,000.

All of these deaths and all of these injuries were preventable. Senate Bill 434 would make tremendous progress on this problem. AIHA fully supports the bill and encourages your committee to approve it.

Background on AIHA

Founded 81 years ago, AIHA is a nonprofit organization serving professionals dedicated to the anticipation, recognition, evaluation, control, and confirmation of environmental stressors in or arising from the workplace that may result in injury, illness, impairment, or affect the well-being of workers and members of the community. AIHA provides comprehensive education programs and other products and services that help its members maintain the highest professional standards.

More than half of AIHA's nearly 8,500 members are Certified Industrial Hygienists (CIHs) and many hold other professional designations. AIHA serves as a resource for those employed in the industrial, consulting, academic, and government sectors. AIHA has more than 200 members and two Local Sections in Maryland. Collectively, AIHA's members impact millions of American workers.

Conclusion and Next Steps

Senate Bill 434 represents an important step forward, combating the challenge of heat stress. Because of this, AIHA encourages the Committee to approve this bill and looks forward to working with you on this, and related matters. Thank you for your time.

[1] Henry, Larry. "Worker Who Died from Heat Stroke Identified." KFSM-Channel 5. https://5newsonline.com/2012/06/26/landscaper-dies-from-heat-stroke-at-ua/. Accessed February 14, 2020.

BruceLippy_FAV_SB 434
Uploaded by: Senator McCray, Senator McCray
Position: FAV

Testimony of Bruce Lippy, Ph.D., CIH, CSP, FAIHA in support of SB 434

SB 434 - Labor and Employment - Occupational Safety and Health - Heat Stress Standards – Support Testimony – Ann Rosenthal

Dear Chair Kelley, Vice Chair Feldman, and members of the Finance Committee:

My Name is Bruce Lippy. I am a life-long, proud Marylander and a resident of Baltimore County for 36 years. I have a Ph.D. in policy with a focus on regulatory economics from the University of Maryland at Baltimore County. I am a Certified Industrial Hygienist and a Certified Safety Professional and have worked primarily as an industrial hygienist since starting with the State of Maryland's Division of Labor and Industry in 1978 in the training section of Maryland Occupational Safety and Health (MOSH). I subsequently worked as the Senior Vice President of Aerosol Monitoring & Analysis, a Maryland-based consulting firm where I conducted measurements of outdoor carbon dioxide concentrations. I also worked as the Director of the National Clearinghouse for Worker Safety and Health Training, operated on behalf of the National Institute of Environmental Health Sciences. I also served as Training Manager for the Environmental Health Education Center of the University of Maryland Medical Center. While serving as Manager of Special Projects for the International Union of Operating Engineers' National Hazmat Program, I directed research into technologies to protect workers from heat strain while wearing protective garments during the cleanup of the DOE nuclear weapons complex. For the past seven years I have served as the Director of Safety Research for CPWR - The Center for Construction Research and Training, a nonprofit organization focused on construction safety and health. I have also operated my own consulting firm, The Lippy Group, LLC since 2006.

Shortly after I began working at MOSH, the state experienced three deaths in one summer that were all related to excess heat exposure. Two were in a steel mill working with direct exposure to molten metal, the other was in construction. At the direction of the Commissioner of Labor, I helped craft a statewide awareness campaign that included developing a television public service announcement, flyers, posters, and a training program that I personally delivered to many state workers at department of transportation shops across the state. MOSH cited the steel mill under the general duty clause of the OSHAct, but the case was legally protracted and the regulatory mechanism proved insufficiently rigorous. This has been the experience in other states that do not have separate heat stress regulations.

I was proud of MOSH's leading role among the states with their own state programs: we developed regulations to prevent temporary workers from doing dangerous confined space work and we put in place a regulation to protect construction workers from lead exposure many years before OSHA promulgated its lead-in-construction standard. California, Washington State and Minnesota, three other states with innovative state plans, have standards to protect workers from heat stress on the job. I hope Maryland will join them. Federal OSHA only recently passed a health standard controlling silica exposure in construction

although I have colleagues at CPWR who have been working towards that goal since 1998. We simply cannot wait for federal OSHA to promulgate a heat stress standard.

Heat is a clearly a risk to a broad range of workers in both inside and outside environments. Construction workers toiling in direct sunlight laying hot asphalt are obviously at risk, but laundry workers who experience excess humidity along with heat are also at risk.

The risks to workers are only going to increase as global warming continues. National Weather Service statistical data show that heat causes more fatalities per year than floods, lightning, tornadoes, and hurricanes combined[1] The risks aren't just for heat stroke and heat exhaustion. A study for NASA found that as temperatures rise, work quality suffers: when in-plant temperatures rose over 85°F, output dropped by 18% and accuracy suffered a 40% increase in errors. [2]

The past few years have seen some of the warmest summers on record and the expectation is that this trend will continue. When I began measuring carbon dioxide levels, the main agent for global warming, around 1985, the level was roughly 340 parts per million (ppm). The global average in 2018 was 407.4 ppm, which is higher than at any point in at least the past 800,000 years.[3]

The proposed standard is based on common sense approaches that are working for other state programs. These include:

- Providing sufficient cool drinking water throughout the day
- Allowing workers to take regular rest breaks, particularly if they are feeling the symptoms related to heat exposure
- Providing a cool shady area for workers to rest (often a pop-up tent with fans or coolers)
- Training both workers and supervisors on the hazards or heat and what to watch for
- Emergency plans to make sure workers suffering from heat stress are treated promptly and properly
- Reducing the risk of heat exposure by, for example, scheduling work during the coolest part of the day

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[1] National Oceanic and Atmospheric Administration (NOAA) (2011) National Weather Service. *Heat: a Major Killer*. Available at: http://www.crh.noaa.gov/lmk/?n=noaaexcessiveheat
Accessed: 17 March 2014

[2] National Aeronautics and Space Administration (NASA) (1968, Nov 1). *Compendium of Human Responses to the Aerospace Environment,* NASA-CR-1205.

[3] National Oceanic and Atmospheric Administration (NOAA) (2019, Sept 19). *Climate Change: Atmospheric Carbon Dioxide.* Available at: https://www.climate.gov/news-features/understanding-climate/climate-change-atmospheric-carbon-dioxide

- Allowing workers to acclimatize to heat exposures (most heat-related deaths occur in the first days on the job before the body can adjust to the heat.)

These requirements aren't onerous and represent mostly common sense steps that good employers already have in place. But while at MOSH, I saw enough "low road" employers that I feel mandating protections are critical. Maryland should join the other states which already mandate protection from heat stress on the job. This bill would require MOSH to promulgate a standard within 2 years and again make Maryland an innovators in worker protection. Consequently, I urge you to approve this bill. I'm happy to answer any questions.

Darryl Alexander_FAV_SB434
Uploaded by: Senator McCray, Senator McCray
Position: FAV

Testimony in **support**
SB 434 – LABOR AND EMPLOYMENT – Occupational Safety and Health – Heat Stress Standards
Darryl Alexander, Fellow
National Council for Occupational Safety and Health
darrylalex@gmail.com

Chairperson Kelly, Vice Chair Feldman and members of the Senate Finance committee; thank you for the opportunity to testify in support of SB 434.

My name is Darryl Alexander; I have a long and varied career in health and safety including research, training and policy – most recently as the retired health and safety director of the American Federation of Teachers, a union that represents workers in all spheres of state and local government. Currently I am a Fellow of the National Council for Occupational Safety and Health (NCOSH). NCOSH is dedicated to making a safe and healthful workplace a reality for all workers.

My primary focus will be on the potential for employers to save on the cost of workers' compensation associated with heat-related illness. I have attached the results of a peer reviewed study[i]demonstrating the savings. This study has implications for all workers in the public and private sector.

Before I describe the study, I would like to underline how important a heat stress standard will be for public employees at risk of exposure to extreme heat. Over the years of assisting workers at several agencies, I've seen inadequate investment on the part of some government agencies to protecting them from exposure to hazardous agents and environments.

I'll begin with a story of Frank Musella, Staten Island supervisor and a nine-year veteran of the New York City Department Sanitation. On a very hot day in July 2015 when temperatures hit the mid-90's; Mr. Musella, on site with his sanitation crew began to feel unwell. His co-workers remembered that he complained about the muggy heat and symptoms associated with heat-related illness (HRI) – including light-headedness and nausea and that he quickly grew more distressed and agitated. Unable to cope with the mounting symptoms, he decided to return to headquarters but collapsed just as he arrived at his vehicle. He was later found – unresponsive- by his sanitation colleagues who called 911 and was rushed to Staten Island University Hospital where he was pronounced dead. Mr. Musella was only 37 years old. He left a young family.

Frank Musella's story is echoed in a review of Occupational Safety and Health Administration (OSHA) inspections of heat-related incidents in 2012-2013[ii]. OSHA cited employers (under the 5(a) general duty clause) for twenty heat-related fatalities and illnesses during the period – three of which were sanitation and waste worker fatalities. One worker had only been on the job one day before he collapsed and died; another only three days. These workers were exposed to extreme heat – heat indexes that ranged from 93.8°F to 100.8°F (extremely hot and humid). Work in sanitation and waste collection is demanding and at times grueling – imagine having to lift and strain under hot and humid conditions. These cited employers provided no opportunities for workers to acclimatize (reasonable work-rest cycles that allow them to adapt to hot and humid

conditions). One employer didn't even provide water. All three had no access to shade and only minimal breaks.

The authors of this study noted that despite the wide dissemination of the OSHA Heat Illness Prevention Campaign and other public health messages, employers with workers at high risk of extreme heat exposure still choose not to implement complete heat illness prevention programs.

In one of the few studies of municipal workers[iii], researchers were able to track actual heat exposure of outdoor municipal workers with personal monitors and survey their perception to the heat over a seven day stretch. The majority of the workers were sanitation/solid waste workers; other workers including underground utility, parks and recreation workers and fleet workers participated as well. As would be expected on hotter days, workers reported feeling uncomfortably hot as the temperature rose and reported more heat stress symptoms.

It's notable that over 1/3 of the workers in the study had recorded exposures that were hotter and more humid than the heat index of the official weather station

There was no comprehensive heat stress program in place. Most workers (85%) reported staying hydrated as a strategy for combatting heat. Yet less than half reported wearing a hat and only 40% reported seeking or being offered shade.

Studies and anecdotes from workers indicate that heat stress programs are more haphazard than comprehensive especially when it comes to making sure workers have adapted or acclimatized to working in hot environments. Employers seem not to understand what acclimatization is and how important it is for established practice. In other words, they need to provide time for workers new to the job or absent from the job for more than a few days to cope with the heat. What would that look like? On the first day of work in excessive heat, workers need their workload reduced by 50% taking frequent breaks, seeking shade and water. On the second day, the work could be increased to 60%, 80% on the third, and 100% on the fourth day. As the number of Maryland extremely hot days increases, full acclimatization might take up to 14 days or longer to attain, depending on individual or environmental factors.

Now I would like to switch to some good news. We now have evidence from a peer-reviewed study that having a comprehensive heat stress program can reduce workers compensation costs. A decade ago, the city of Waco, Texas, wanted to do something about the costly illnesses outdoor employees were experiencing due to heat. The city turned to the medical director and researchers to develop a heat stress awareness program and track the impact on workers' compensation costs from 2011-2017. The program provided annual training for supervisors and outdoor workers on the dangers of heat exposure and recognition of symptoms of overexposure. More importantly the city

established work cycle procedures and practices to assure adequate acclimatization of workers and routine breaks in cool areas.

The program made a special effort to reach workers with chronic diseases such as diabetes, heart disease and hypertension that might put them at increased risk for heat-related illness. These workers received additional training and support. They were encouraged to stop work and report to a supervisor if they experienced any cardinal symptoms

The safety culture changed. Supervisors changed work practices so that the most demanding jobs were scheduled earlier in the day when it was cooler and/or they rotated workers in and out of the most demanding jobs. They also provided more frequent breaks, water and shade.

The results? By 2016 heat-related illnesses had essentially been cut to zero, and median worker compensation costs were cut in half from $416.00 per case to $208.00. The last two years of the program, the city submitted no heat-related illness workers' compensation claims.

Workers' compensation claims do not begin to reflect the true cost of heat-related illness. Many heat-related illnesses are never recognized as such and symptoms are attributed to other illnesses.

Frank Musella's tragic death was not an "accident", it was a preventable and tragic work-related death. If he had been trained as part of a comprehensive heat stress program, he and his co-workers would have recognized early on that he was suffering heat stress symptoms; his colleagues would have been quick to provide first aid and intervention. And Mr. Musella might have survived.

The evidence is clear. Heat stress and exposure to extreme heat are manageable at low cost to employers. I urge you to take the steps to establish a clear standard for employers to follow to avoid the potential for mounting fatalities and heat-related illnesses in our hotter climate.

---

[i] McCarthy RB, Shofer FS, Green-McKenzie J. Outcomes of a Heat Stress Awareness Program on Heat-Related Illness in Municipal Outdoor Workers. J Occup Environ Med. 2019 Sep;61(9):724-728.

[ii] Arbury S. et al Heat Illness and Death Among Workers — United States, 2012–2013
MMWR August 8, 2014 / 63(31);661-66

Testimony in **support**
SB 434 – LABOR AND EMPLOYMENT – Occupational Safety and Health – Heat Stress Standards
Darryl Alexander, Fellow
National Council for Occupational Safety and Health
darrylalex@gmail.com

[iii] Uejo C. et al. 2018. Occupational heat Exposure Among Municipal Workers. International Archives of Occupational and Environmental Health 91:705–715

MdPHA_FAV_SB434
Uploaded by: Senator McCray, Senator McCray
Position: FAV

Maryland Public Health Association

Mission: *To improve public health in Maryland through education and advocacy*

Vision: *Healthy Marylanders living in Healthy Communities*

SB434 – Labor and Employment – Occupational Safety and Health
Heat Stress Standards
Hearing Date: 2/20/20
Committee: Finance Committee
Position: SUPPORT

Thank you Senator Kelley, Senator Feldman and all members of the Finance Committee for the opportunity to provide support for SB 434. Thank you, especially, Senators McCray, Augustine, and Kelley for introducing this important public health legislation to establish Heat Stress Standards in Maryland. We submit this testimony on behalf of the Maryland Public Health Association to express our support for SB 434: Labor and Employment – Occupational Safety and Health -- Heat Stress Standards.

While heat exposure has been a long-standing concern in occupational health and safety, there are very few protections in place for workers, and no regulated national standards. As climate change increases temperatures across the country, protections for the labor force, particularly outdoor workers, has never been more important. A key tenet of public health is prevention, and our responsibility is to make sure protections are in place to prevent heat-related deaths and illnesses. Numerous scientific reports illustrate how more frequent, longer, and more intense seasonal and annual warming trends significantly impact public health. Warming, as projected for Maryland, is expected to cause a wider range of heat-related injury and death. Workers exposed to higher heat are generally four times more likely to be hospitalized for things like heat related confusion, injury, rashes, nausea, muscle spasms, kidney injury and heat stroke. Construction workers are 13 times more likely to die from heat-related illness.[1] Even a single eight to ten-hour shift at 100F, could lead to death. The Bureau of Labor Statistics reports that between 1992 and 2016, excessive heat killed 783 US workers and seriously injured 69,374.[2] The costs to workers, employers, and the Maryland economy could become untenable as temperatures rise.

Fortunately, heat-related deaths and illnesses are preventable. We commend Senator McCray for bringing this issue up for discussion with proposed legislation. So far, California, Washington, Minnesota and the U.S. Military are the only jurisdictions with worker protections. Maryland can be next. We support the development of heat stress standards for indoor and outdoor worker safety by sooner than October 2022, and appreciate considerations for training and record keeping. We also hope the language in this bill could be clarified to explicitly include indoor and outdoor workers, especially the construction and agricultural workers who are most directly impacted by warming trends.

[1] Acharya P, Boggess B, Zhang K. Assessing Heat Stress and Health among Construction Workers in a Changing Climate: A Review. *Int J Environ Res Public Health*. 2018;15(2):247. Published 2018 Feb 1. doi:10.3390/ijerph15020247

[1] Public Citizen. As Climate Heats Up, Government Must Protect Workers from Heat. July 17, 2018, accessed Feb. 18, 2020: https://www.citizen.org/news/as-climate-heats-up-government-must-protect-workers-from-heat/

Maryland Public Health Association (MdPHA)
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The Maryland Public Health Association (MdPHA) is a nonprofit, statewide organization of public health professionals dedicated to improving the lives of all Marylanders through education efforts and advocacy of public policies consistent with our vision of healthy Marylanders living in healthy communities. MdPHA is the state affiliate of the American Public Health Association, a nearly 145-year-old professional organization dedicated to improving population health and reducing the health disparities that plague our state and our nation.

Additional works cited:

2019 Lancet Countdown on Health and Climate Change: Policy Brief for the U.S.
https://www.lancetcountdownus.org/2019-lancet-countdown-us-brief

Lancet Planetary Health, articles on worker productivity and health:
1) https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196(18)30237-7/fulltext
2) https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196(18)30240-7/fulltext

Maryland Climate and Health Profile Report (2016):
https://phpa.health.maryland.gov/OEHFP/EH/Shared%20Documents/Climate%20Change/Reports/MD_climate_and_health_FullReport_04182016%20Final.pdf

NASA's Climate Report:
https://climate.nasa.gov/

NIOSH Criteria for a Recommended Standard: Occupational Exposure to Heat and Hot Environments & related tools:
1) https://www.cdc.gov/niosh/docs/2016-106/default.html
2) https://www.cdc.gov/niosh/topics/heatstress/default.html

NOAA's 2019 State Climate Summary for Maryland and D.C:
https://statesummaries.ncics.org/chapter/md/

OSHA Heat-Related Illness standards & recommendations:
1) NIOSH's Recommended Heat Standard: https://www.osha.gov/SLTC/heatstress/standards.html
2) Using the Heat Index: A Guide for Employers: https://www.osha.gov/SLTC/heatillness/heat_index/pdfs/all_in_one.pdf
3) Monitoring Workers at Risk of Heat-related Illness: https://www.osha.gov/SLTC/heatillness/heat_index/monitoring_workers.html

SB 434 - D. Berkowitz NELP_
Uploaded by: Senator McCray, Senator McCray
Position: FAV

NATIONAL EMPLOYMENT LAW PROJECT

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February 17, 2020

Senate Finance Committee
Miller Senate Office Building, 3 East Wing
11 Bladen St.,
Annapolis, MD 21401-1991

Re: SB 434 (Labor and Employment – Occupational Safety and Health – Heat Stress Standards) – SUPPORT

Dear Chair Kelley, Vice Chair Feldman, and members of the Finance Committee:

On behalf of the National Employment Law Project (NELP), we strongly support the passage of SB 434, *an Occupational Safety and Health Heat Stress Standard*, a commonsense bill that would protect the health and safety of Maryland workers by providing for standards to prevent illness and deaths from heat exposure.

NELP is a non-profit law and policy organization with 50 years of experience advocating for the employment and labor rights of our nation's workers. One of the key issues that NELP works on is improving health and safety protections for workers, especially low wage workers of color who are disproportionally often in the most dangerous jobs.

Global warming is resulting in more frequent days of extreme heat, and record-breaking summers are now becoming the norm. 2017 was the second-hottest year on record, surpassed only by 2016.[1]

In indoor and outdoor workplaces, workers are laboring in extreme heat, often with no protections from heat stress. According to the Bureau of Labor Statistics, from 1992 through 2016, exposure to excessive environmental heat killed 783 U.S. workers and seriously injured 69,374.[2] And with accelerating global warming, the United Nations reported in 2016 that worker injuries and deaths due to excessive heat exposure are projected to increase in the coming years.

In 2016, as the summer temperatures soared in Maryland, the Maryland Department of Labor called on employers to promote summer safety in extreme heat with water, rest and shade." [3] But without a specific standard in

[1] YaleEnvironment360. It's Official: 2017 Was the second hottest year on record. E360 Digest. Jan 4, 2018. https://e360.yale.edu/digest/its-official-2017-was-the-second-hottest-year-on-record. Accessed July 12, 2018

[2] Bureau of Labor Statistics. Occupational injuries/illnesses and fatal injuries profiles. https://data.bls.gov/gqt/InitialPage. Accessed March 6, 2018. Serious injuries are defined as those resulting in at least one day away from work.

[3] https://www.dllr.state.md.us/whatsnews/heatadvice.shtml

place requiring these very basic safety measures, Maryland OSHA can do little to proactively ensure that employers provide these necessary protections. Often it is only after a worker is killed or suffered a serious heat related illness that the Maryland Occupational Safety and Health Administration can enforce heat illness prevention efforts. It is time for Maryland to step up and protect workers in the state from heat related illness and death.

For the reasons explained below, SB 434 represents a critical step toward expanding on-the-job protections for Maryland workers that are exposed to extreme heat:

- Maryland workers do not have the necessary protections that a state OSHA heat standard would provide. There is no Federal OSHA specific standard to protect workers from extreme heat. Because of the absence of a heat standard in 47 states, approximately 130 million workers are left unprotected. The Maryland Department of Labor can do little without a specific standard to fully assure the protection of workers in the state from excessive heat. In 2016, the National Institute for Occupational Safety and Health (NIOSH) estimated that two in 1,000 workers are at risk of heat stress.[4] MD should do its part in providing safe and secure workplaces for Maryland workers by implementing a state heat standard for its workers.
- This legislation provides for common sense protective measures for workers exposed to excessive heat. This bill specifically requires Maryland Department of Labor and Industry to adopt a standard that would establish for employers the basic steps they must implement to protect Maryland workers exposed to excessive heat. These basic preventative measures include provisions for water, rest, shade and acclimatizing workers to heat exposure.
- SB 434 promotes accountability and transparency for employers and workers. The bill also includes important training and education requirements to ensure that workers are trained in how to recognize the early symptoms of heat stress, the procedures to follow when an employee exhibits signs of heat stress, how to identify a high risk situation, and the safe procedures the employer has implemented for working in high-heat environments. Mandating that employees not only receive training but are also given opportunities to ask questions and provide feedback as a part of this process are best practices for injury, illness, or death prevention. Employers are also required to maintain data on heat-related illnesses or deaths, training procedures, as well as hazard assessments and evaluations. These records must be made

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[4] NIOSH [2016]. NIOSH criteria for a recommended standard: occupational exposure to heat and hot environments. By Jacklitsch B, Williams WJ, Musolin K, et al. Cincinnati, OH: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Institute for Occupational Safety and Health, DHHS (NIOSH) Publication 2016-106. https://www.cdc.gov/niosh/docs/2016-106/pdfs/2016-106.pdf.

available to employees, their representatives, or the Labor Commissioner upon request. This is another critical step in promoting transparency, but also in holding employers accountable for the protections that they would be legally required to provide.

- SB 434 shields workers from retaliation by providing whistleblower protections. This bill requires employers to maintain a policy that protects workers from discrimination or retaliation as a result of reporting a heat related illness or heat-related safety concerns.
- This legislation models provisions from the most successful and vigorous heat standard in the U.S. Washington,[5] Minnesota,[6] and California[7] have implemented heat standards in their state OSHA plans and have over a decade of experience in best practices. The California heat standard, for example, was first implemented as an emergency measure in 2005 after a surge in heat-related worker fatalities and was and was made a permanent measure in 2006.[8]

Accordingly, we strongly urge you to support the passage and enactment of SB 434 to extend workplace protections against exposure to excessive heat to Maryland's workers. If you have any questions, please contact Debbie Berkowitz, Health and Safety Director at the National Employment Law Project (dberkowitz@nelp.org).

Sincerely,

Deborah Berkowitz
Health & Safety Director

Shayla Thompson
Government Affairs Manager

[5] The full text of Washington's heat exposure rule can be found here: https://bit.ly/3bRwiaK
[6] The full text of Minnesota's indoor heat standard can be found here: https://bit.ly/2vBEPhd
[7] The full text of California's outdoor heat standard can be found here: https://bit.ly/2UVSfPD
[8] *Id. at 4-5*

SB 434 Ann Rosenthal

Uploaded by: Senator McCray, Senator McCray

Position: FAV

SB 434 - Labor and Employment - Occupational Safety and Health - Heat Stress Standards – Support Testimony – Ann Rosenthal

Dear Chair Kelley, Vice Chair Feldman, and members of the Finance Committee:

Thank you for the opportunity to submit testimony in support of Senate Bill 434, which would require Maryland employers to develop and implement plans to protect their workers from the hazard of heat illness and death. As an attorney who has worked in the field of occupational safety and health for more than 40 years, most recently as the Associate Solicitor for Occupational Safety and Health in the U.S. Department of Labor (the chief legal position for occupational safety and health in the Federal government), I have seen far too many examples of workers sickened and killed from exposure to excessive heat.

The ways to protect these workers are well known, but there is currently no specific requirement for employers to provide those protections. This means that the only legal compulsion available is a citation under the General Duty Clause, far too often only after a worker has died. This is far from ideal, because the legal burden to prove a violation of the clause is much higher than the burden to prove that an employer has violated a specific requirement in a standard. As a result, OSHA (at both the state and federal levels) is less likely to issue a citation in the first instance, and if a citation is contested, the overworked and under-resourced government lawyers charged with litigating the case are more likely to settle the case without obtaining as full relief as would be available under a standard.

And even if the case is fully litigated, success is not guaranteed. *See, e.g. Secretary of Labor v. Sturgill Roofing*, OSHRC No 13-0224, decided Feb. 28, 2019, (copy attached, and found at https://www.oshrc.gov/assets/1/18/A.H._Sturgill_Roofing_Inc.%5E13-0224%5EComplete_Decision_signed%5E022819%5EFINAL.pdf?8324) which vacated a heat stress citation that Federal OSHA had issued after a 60-year old roofing worker died of heat stroke on his first day of work. According to the Commission that decided the case, the Secretary did not prove that working on a sunny roof for more than two hours, with a heat index value in the mid-80s or higher, constituted sufficient exposure to "excessive heat" to violate the general duty clause. Comm'n decision at 7. It specifically noted "the difficulty in addressing this issue in the absence of an OSHA standard." *Id.* at 7-8, fn 8. Indeed, one of the Commissioners in the majority would have gone even further, questioning whether exposure to excessive heat is even a hazard covered by the general duty clause because exposure to heat is "inherent in the performance of outdoor work." *Id.* at

23-24. If OSHA had had a standard similar to that required by HB 722 in place, these issues would not have mattered because the employer would have been required to have a program to make sure workers are acclimated to heat, and to have monitored conditions so it could have intervened earlier. If the employer had not done so, it could have been cited successfully for failing to have that program in place, or to comply with it. And this could have happened *before* any worker was harmed!

This standard is needed desperately. There are already an average of 30 days a year in which the heat index is over 90 degrees, which poses a hazard to exposed workers. With climate change, that number is expected to more than double in the next quarter century. *See* Union of Concerned Scientists; 2019, USC Killer Heat Data, found at http://www.ucsusa.org/killer-heat. Moreover, most outdoor jobs involve physical labor, which increases core body temperature and susceptibility to heat injury. Imagine that your job required you, instead of working in an air-conditioned office building, to spend eight hours a day performing hard physical labor, such as construction work or farmwork, outdoors under the hot sun on a ninety-plus degree day. I expect we would all want our employers to be required to make sure we were acclimated to the heat, and to provide us with adequate water, rest and shade. Many responsible employers already take these steps, but they do it voluntarily. Enacting this bill would even the playing field and require all employers to act the same way. Workers would not be at the mercy of less responsible employers, or of those who just might not realize the extent of the hazard or the importance of the protections required by SB 434. Therefore I urge you to pass this bill expeditiously.

Sincerely,

Ann Rosenthal
annyrosenthal@gmail.com

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Bethesda, MD 20817

Testimony of Scott Schneider SB 434
Uploaded by: Senator McCray, Senator McCray
Position: FAV

Testimony of Scott Schneider, C.I.H., F.A.I.H.A in support of SB 434

SB 434 - Labor and Employment - Occupational Safety and Health - Heat Stress Standards
SUPPORT TESTIMONY

Dear Chair Kelley, Vice Chair Feldman, and members of the Finance Committee,

My Name is Scott Schneider. I am a 36 year resident of Montgomery County living in District 20. I am a Certified Industrial Hygienist and have spent the past 40 years working to protect workers from exposure to hazardous conditions on the job, primarily in the construction industry. I have worked for a variety of unions over my career, the past 20 years for the Laborers' Health and Safety Fund of North America as Director of Occupational Safety and Health. My job was to help the union members and their employers improve safety and health conditions on their jobsites. As part of my job, I worked closely with OSHA to develop standards for asbestos, silica and many other exposures as well as on campaigns like their Fall prevention campaign. I also did site visits to construction sites all over the country.

Maryland is one of about half the states which runs its own State OSHA program. Under this provision of the OSHA Act, States can run their own programs, funded about half by the Federal Government, as long as they are "equally effective" as the Federal program. State programs though can go beyond the Federal program, for example by promulgating standards for workers in their state where no such Federal requirement exists. Maryland, in fact, was one of the first states to protect construction workers from lead exposure and is the only state with a standard to protect tree care workers. Currently, California, Washington State and Minnesota have standards to protect workers from heat stress on the job. Federal OSHA does not, but maintains an annual Heat Stress awareness campaign, as does Maryland OSHA, to raise awareness of the problem among employers and employees. Federal OSHA normally takes 15-20 years to promulgate new standards, so waiting for the Federal government to act is not an option.

Heat is a major hazard in the workplace for both outdoor workers and indoor workers. Outdoor workers at risk include: construction workers like road workers, roofers and many others; landscapers; farm workers; telecommunications workers; and municipal workers. Indoor workers at risk include: laundry workers; restaurant workers; boilermakers/stationary engineers; and teachers. Attached is a recent study showing just how high the risk is for construction workers in the US. While construction workers are 6% of the workforce, they represent 36% of heat-related deaths. Risks are particularly high for construction workers who are Hispanic and for cement masons, roofers, brick masons and construction laborers. Working on a roof or highway in 90^{o}+ heat is exacerbated by exposure to direct sunlight and hot asphalt, working in protective clothing and the shear physical demands of the job. As temperatures increase, the risk of heat stroke will rise as well unless precautions are taken.

In 2018, 60 workers died from heat stroke in the US but over 17,000 suffered from heat-related illnesses. In Maryland, 9 workers have died from heat stress since 1992 and 100 workers lost

work because of a heat-related illness in 2018 alone. The past few years have seen some of the warmest summers on record and the expectation is that this trend will continue. Currently, Maryland has about 25-30 days per year of temperatures over 90^0F and a few days where temperatures soar above 100 or 105^oF. This is expected to rise to about 70 days over 90^oF/year and 30 days/year with temperatures above 100^oF by 2050 (with about 16 days above 105^oF). Attached to my testimony are fact sheets recently produced by the Union of Concerned Scientists showing these projections for all 8 Congressional Districts in Maryland.

The OSHA Heat Stress Campaign recommends, and the State heat stress standards require, simple precautions to ensure no one suffers from heat exposures. These include:

- Providing sufficient cool drinking water throughout the day
- Allowing workers to take regular rest breaks, particularly if they are feeling the symptoms related to heat exposure
- Providing a cool shady area for workers to rest (often a pop-up tent with fans or coolers)
- Training both workers and supervisors on the hazards or heat and what to watch for
- Emergency plans to make sure workers suffering from heat stress are treated promptly and properly
- Reducing the risk of heat exposure by, for example, scheduling work during the coolest part of the day
- Allowing workers to acclimatize to heat exposures (most heat-related deaths occur in the first days on the job before the body can adjust to the heat.)

While most responsible employers already follow these precautions, those who don't need to be required by law to provide such protection. A voluntary heat stress campaign is helpful, but is no substitute for mandating protections. Maryland should join the other states which already mandate protection from heat stress on the job. This bill would require Maryland OSHA to promulgate a standard within 2 years and again place Maryland in the forefront of worker safety and health, rather than dragging its heels and only protecting workers when forced to do so by action on the Federal level, which isn't forthcoming.

We have also submitted written testimony from Debbie Berkowitz at the National Employment Law Center (NELP) and Ann Rosenthal, former Associate Solicitor of Labor. Rosenthal's testimony explains the need for a standard and why the General Duty Clause is inadequate to protect workers, including a recent court case throwing out an OSHA General Duty citation for heat in the death of a roofer.

For these reasons, I urge you to approve this bill and require Maryland OSHA to finally protect workers from heat stress with a new state standard. Thank you. I'm happy to answer any questions.

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TEAMSTERS62_FAV_SB434
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EXECUTIVE OFFICES

TEAMSTERS JOINT COUNCIL No. 62

AFFILIATED WITH THE

INTERNATIONAL BROTHERHOOD OF TEAMSTERS

TESTIMONY IN SUPPORT OF SB 434
Labor and Employment – Occupational Safety and Health - Heat Stress Standards
February 20th, 2020

TO: Hon. Delores Kelley, Chair, and members of the Senate Finance Committee

FROM: Lawrence A. Wolfe Jr.

Dear Chairman Kelley and Members of the Committee:

On behalf of Teamsters Joint Council 62, I am writing to offer our support for SB 434. Heat stress is a significant problem for our members. We represent over 10,000 members in the State of Maryland - they mostly work in the trucking, warehousing and construction industries. Many of our members work in uncontrolled temperature environments, that don't have air conditioning or protection from the sun. For two examples: on an 85 degree day, the cargo area of a UPS truck is well over 100 degrees where drivers spend extended time sorting and selecting packages, as well as loading pick-up packages; construction workers on highway paving jobs are subjected not only to the outside temperatures, but working around hot asphalt which is 250-300 degrees.

As summers have gotten hotter and we experience more days above 90° or 100° F, our members have to cope with the hazards associated with these extreme temperatures. Maryland normally has about 25- 30 days/year with temperatures above 90°F but this is expected to rise to 70- 80 days/year by mid-century. Sixty workers died in the US in 2018 from extreme temperatures, a dozen of whom worked in construction. Nine Maryland workers died from heat stress since 1992. Over 17,000 US workers reported heat-related illnesses in 2018 that caused them to miss work (over 2,500 of them were in construction). Yet leading experts believe that there is rampant under-reporting of heat-related illnesses in the US and that extreme exposure takes a toll in long-term health outcome and productivity.

Trends in protecting workers from extreme heat in union construction firms are better than non-union firms. These firms along with their unions have developed programs to help prevent heat-related illnesses, for example shifting schedules to start early in the morning and quitting by early afternoon or shifting to night work. They provide water, rest, shade and training for members on heat stress. But smaller, non-union companies often do not. This bill would help level the playing field and require these non-union companies to provide equivalent protection.

Maryland, being a State plan state, is required to be "at least as effective" as the Federal OSHA program. But Maryland can exceed the minimum standards required. Maryland was one of the first states to protect workers from lead exposure on the job and one of the few states with protections required for tree care workers. Currently there are three other states which require protection from heat stress on the job (CA, WA and MN). Maryland can join these states to once again become a leader in worker protection. Currently Maryland can only cite employers for heat stress under the "general duty clause" which mandates that employers provide a workplace "free of recognized hazards." The General Duty Clause though is notoriously difficult to enforce. Having a separate requirement specific for heat stress will help clarify an employer's obligations and make it easier for the State to enforce these requirements.

We therefore urge you to support this bill and look forward to working with Maryland OSHA to develop and enforce the standard.

Sincerely,

Lawrence A. Wolfe Jr.
Secretary-Treasurer and
Legislative Representative

MarylandAGC_FWA_SB434
Uploaded by: McCulloch, Champe
Position: FWA

SENATE BILL 434

K3 0lr0828
CF 0lr0826

By: **Senators McCray, Augustine, and Kelley**
Introduced and read first time: January 27, 2020
Assigned to: Finance

A BILL ENTITLED

AN ACT concerning

Labor and Employment – Occupational Safety and Health – Heat Stress Standards

FOR the purpose of requiring the Commissioner of Labor and Industry to adopt regulations on or before a certain date that include a certain standard establishing certain heat stress levels and to ensure that all employers comply with certain requirements with respect to occupational exposure to excessive heat; requiring certain employers to develop, implement, and maintain a certain excessive heat–related illness prevention plan for employees; requiring that certain excessive heat–related illness prevention plans be developed in a certain manner, tailored and specific to certain hazards, in writing and in a certain language under certain circumstances, and made available in a certain manner; requiring the plan to include certain procedures and methods; requiring the Commissioner to require certain employers to provide certain annual training and education to certain employees; requiring employers to provide certain training and education to employees who are supervisors; requiring that certain training be provided to certain employees at a certain time and in a certain manner; requiring employers to maintain certain records and data and to make certain records and data available to certain persons on request; requiring employers to adopt a certain policy prohibiting certain persons from taking certain actions against certain employees; prohibiting employers from taking certain actions against certain employees for taking certain actions; providing for the construction of certain provisions of this Act; defining certain terms; and generally relating to occupational safety and health and heat stress standards.

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 5–101
Annotated Code of Maryland
(2016 Replacement Volume and 2019 Supplement)

BY adding to

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.

Article – Labor and Employment
Section 5–1201 through 5–1203 to be under the new subtitle "Subtitle 12. Heat Stress Standards"
Annotated Code of Maryland
(2016 Replacement Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Labor and Employment

5–101.

(a) In this title the following words have the meanings indicated.

(b) "Commissioner" means the Commissioner of Labor and Industry.

(c) (1) "Employee" means, except as provided in § 5–401 of this title, an individual whom an employer employs, for a wage or other compensation, in the business of the employer.

(2) "Employee" includes:

(i) an individual whom a governmental unit employs;

(ii) an individual who is licensed as a taxicab driver and leases or rents a taxicab from a person who operates or owns a taxicab business in Baltimore City;

(iii) an individual who is employed for part–time or temporary help by a governmental unit or person who engages in a business that directly employs individuals to provide part–time or temporary help to another governmental unit or person; and

(iv) an individual who performs work for a governmental unit or person to whom the individual is provided by another governmental unit or person who engages in a business that directly employs individuals to provide part–time or temporary help.

(d) (1) "Employer" means:

(i) except as provided in § 5–401 of this title, a person who is engaged in commerce, industry, trade, or other business in the State and employs at least one employee in that business; or

(ii) a public body.

(2) "Employer" includes:

(i) a person who operates or owns a taxicab business in Baltimore City and leases or rents a taxicab to a licensed taxicab driver, to provide services to the public;

(ii) a governmental unit or person who engages in a business that directly employs individuals to provide part–time or temporary help to another governmental unit or person; and

(iii) a governmental unit or person who contracts directly with another governmental unit or person who engages in a business that directly employs individuals to provide part–time or temporary help to another governmental unit or person.

(e) "Occupational safety and health standard" means a regulation that requires:

(1) a condition that is reasonably appropriate or necessary to make employment and places of employment safe and healthful; or

(2) the adoption or use of a means, method, operation, practice, or process that is reasonably appropriate or necessary to make employment and places of employment safe and healthful.

(f) "Person" includes a successor.

(g) "Place of employment" means a place in or about which an employee is allowed to work.

(h) "Public body" means:

(1) a governmental unit;

(2) a public or quasi–public corporation of the State;

(3) a school district in the State or any unit of the district; or

(4) a special district in the State or any unit of the district.

SUBTITLE 12. HEAT STRESS STANDARDS.

5–1201.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "EXCESSIVE HEAT" MEANS LEVELS OF OUTDOOR OR INDOOR EXPOSURE TO HEAT THAT EXCEED THE CAPACITIES OF THE HUMAN BODY TO MAINTAIN

NORMAL BODY FUNCTIONS AND MAY CAUSE HEAT–RELATED INJURY, ILLNESS, OR FATALITY.

(C) "HEAT–RELATED ILLNESS" MEANS A SERIOUS MEDICAL CONDITION RESULTING FROM THE INABILITY OF THE BODY TO RID ITSELF OF EXCESS HEAT, INCLUDING HEAT RASH, HEAT CRAMPS, HEAT EXHAUSTION, HEAT SYNCOPE, AND HEAT STROKE.

(D) "HEAT STRESS" MEANS THE NET LOAD TO WHICH A WORKER IS EXPOSED FROM THE COMBINED CONTRIBUTIONS OF METABOLIC HEAT, ENVIRONMENTAL FACTORS, AND CLOTHING WORN THAT RESULTS IN AN INCREASE IN HEAT STORAGE IN THE BODY, CAUSING BODY TEMPERATURE TO RISE TO SOMETIMES DANGEROUS LEVELS.

5–1202.

ON OR BEFORE OCTOBER 1, 2022, THE COMMISSIONER SHALL ADOPT REGULATIONS THAT:

(1) INCLUDE A STANDARD ESTABLISHING HEAT STRESS LEVELS FOR EMPLOYEES THAT, IF EXCEEDED, TRIGGER ACTION TO PROTECT EMPLOYEES FROM HEAT–RELATED ILLNESS; AND

(2) ENSURE ALL EMPLOYERS COMPLY WITH THE REQUIREMENTS DESCRIBED IN THIS SUBTITLE WITH RESPECT TO OCCUPATIONAL EXPOSURE TO EXCESSIVE HEAT.

5–1203.

(A) (1) EACH EMPLOYER SHALL DEVELOP, IMPLEMENT, AND MAINTAIN AN EFFECTIVE EXCESSIVE HEAT–RELATED ILLNESS PREVENTION PLAN FOR EMPLOYEES.

(2) THE PLAN REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE:

(I) DEVELOPED AND IMPLEMENTED WITH THE MEANINGFUL PARTICIPATION OF EMPLOYEES, EMPLOYEE REPRESENTATIVES, AND COLLECTIVE BARGAINING REPRESENTATIVES, AS APPLICABLE;

(II) TAILORED AND SPECIFIC TO HAZARDS IN THE PLACE OF EMPLOYMENT;

(III) IN WRITING AND IN THE LANGUAGE UNDERSTOOD BY A MAJORITY OF EMPLOYEES, IF THE LANGUAGE IS NOT ENGLISH; AND

(IV) MADE AVAILABLE, ON REQUEST, TO EMPLOYEES, EMPLOYEE REPRESENTATIVES, AND THE COMMISSIONER.

(B) EACH PLAN REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE PROCEDURES AND METHODS FOR:

(1) INITIAL AND REGULAR MONITORING OF EMPLOYEE EXPOSURE TO HEAT TO DETERMINE WHETHER AN EMPLOYEE'S EXPOSURE HAS BEEN EXCESSIVE;

(2) PROVIDING POTABLE WATER WITH A TEMPERATURE OF LESS THAN 15 DEGREES CELSIUS OR 59 DEGREES FAHRENHEIT;

(3) PROVIDING PAID REST BREAKS AND ACCESS TO SHADE, COOL–DOWN AREAS, OR CLIMATE–CONTROLLED SPACES;

(4) PROVIDING AN EMERGENCY RESPONSE FOR ANY EMPLOYEE WHO HAS SUFFERED INJURY AS A RESULT OF BEING EXPOSED TO EXCESSIVE HEAT;

(5) ACCLIMATIZING EMPLOYEES TO AREAS WHERE EXPOSURE TO HEAT IS PRESENT;

(6) LIMITING THE LENGTH OF TIME AN EMPLOYEE MAY BE EXPOSED TO HEAT DURING THE WORKDAY;

(7) IMPLEMENTING A HEAT ALERT PROGRAM TO PROVIDE NOTIFICATION WHEN THE NATIONAL WEATHER SERVICE OR OTHER COMPETENT WEATHER SERVICE FORECASTS THAT A HEAT WAVE IS LIKELY TO OCCUR IN THE FOLLOWING DAY OR DAYS, INCLUDING:

(I) POSTPONING TASKS THAT ARE NOT URGENT UNTIL THE HEAT WAVE IS OVER;

(II) INCREASING THE TOTAL NUMBER OF WORKERS TO REDUCE THE HEAT EXPOSURE OF EACH WORKER;

(III) INCREASING REST ALLOWANCES;

(IV) REMINDING WORKERS TO DRINK LIQUIDS IN SMALL AMOUNTS FREQUENTLY TO PREVENT DEHYDRATION; AND

(V) TO THE EXTENT PRACTICABLE, MONITORING THE ENVIRONMENTAL HEAT AT JOB SITES AND RESTING PLACES;

(8) PREVENTING HAZARDS, INCLUDING THROUGH THE USE OF:

(I) ENGINEERING CONTROLS THAT INCLUDE THE ISOLATION OF HOT PROCESSES, THE ISOLATION OF EMPLOYEES FROM SOURCES OF HEAT, LOCAL EXHAUST VENTILATION, SHIELDING FROM A RADIANT HEAT SOURCE, THE INSULATION OF HOT SURFACES, AIR CONDITIONING, COOLING FANS, EVAPORATIVE COOLERS, AND NATURAL VENTILATION;

(II) ADMINISTRATIVE CONTROLS THAT LIMIT EXPOSURE TO A HAZARD BY ADJUSTMENT OF WORK PROCEDURES OR WORK SCHEDULES, INCLUDING ACCLIMATIZING EMPLOYEES, ROTATING EMPLOYEES, SCHEDULING WORK EARLIER OR LATER IN THE DAY, USING WORK–REST SCHEDULES, REDUCING WORK INTENSITY OR SPEED, CHANGING REQUIRED WORK CLOTHING, AND USING RELIEF WORKERS; AND

(III) PERSONAL PROTECTIVE EQUIPMENT, INCLUDING WATER–COOLED GARMENTS, AIR–COOLED GARMENTS, REFLECTIVE CLOTHING, AND COOLING VESTS;

(9) COORDINATING RISK ASSESSMENT EFFORTS, PLAN DEVELOPMENT, AND IMPLEMENTATION WITH OTHER EMPLOYERS WHO HAVE EMPLOYEES WHO WORK AT THE SAME WORK SITE; AND

(10) ALLOWING EMPLOYEES TO CONTACT THE EMPLOYER DIRECTLY AND EFFICIENTLY TO COMMUNICATE IF THE EMPLOYEE FEELS LIKE THE EMPLOYEE IS SUFFERING FROM A HEAT–RELATED ILLNESS.

(C) THE COMMISSIONER SHALL REQUIRE AN EMPLOYER TO PROVIDE ANNUAL TRAINING AND EDUCATION TO EMPLOYEES WHO MAY BE EXPOSED TO HIGH HEAT LEVELS, INCLUDING TRAINING AND EDUCATION REGARDING:

(1) THE IDENTIFICATION OF HEAT–RELATED ILLNESS FACTORS;

(2) PERSONAL FACTORS THAT MAY INCREASE SUSCEPTIBILITY TO HEAT–RELATED ILLNESS;

(3) SIGNS AND SYMPTOMS OF HEAT–RELATED ILLNESS;

(4) DIFFERENT TYPES OF HEAT–RELATED ILLNESS;

(5) THE IMPORTANCE OF ACCLIMATIZATION AND CONSUMPTION OF FLUIDS;

(6) AVAILABLE ENGINEERING CONTROL MEASURES;

(7) ADMINISTRATIVE CONTROL MEASURES;

(8) THE IMPORTANCE OF REPORTING HEAT–RELATED SYMPTOMS BEING EXPERIENCED BY AN EMPLOYEE OR ANOTHER EMPLOYEE;

(9) RECORD–KEEPING REQUIREMENTS AND REPORTING PROCEDURES;

(10) EMERGENCY RESPONSE PROCEDURES; AND

(11) EMPLOYEE RIGHTS.

(D) IN ADDITION TO THE TRAINING AND EDUCATION REQUIRED UNDER SUBSECTION (C) OF THIS SECTION, THE EMPLOYER SHALL PROVIDE TRAINING AND EDUCATION TO EMPLOYEES WHO ARE SUPERVISORS, INCLUDING TRAINING AND EDUCATION REGARDING:

(1) PROPER PROCEDURES A SUPERVISOR IS REQUIRED TO FOLLOW UNDER THIS SECTION WITH RESPECT TO THE PREVENTION OF EMPLOYEE EXPOSURE TO EXCESSIVE HEAT;

(2) HOW TO RECOGNIZE HIGH–RISK SITUATIONS, INCLUDING HOW TO MONITOR WEATHER REPORTS AND WEATHER ADVISORIES AND HOW TO AVOID ASSIGNING AN EMPLOYEE TO A SITUATION THAT COULD PREDICTABLY COMPROMISE THE SAFETY OF THE EMPLOYEE; AND

(3) PROPER PROCEDURES, INCLUDING EMERGENCY RESPONSE PROCEDURES, TO FOLLOW WHEN AN EMPLOYEE EXHIBITS SIGNS OR REPORTS SYMPTOMS CONSISTENT WITH POSSIBLE HEAT–RELATED ILLNESS.

(E) THE EDUCATION AND TRAINING REQUIRED UNDER THIS SECTION SHALL:

(1) BE PROVIDED BY AN EMPLOYER FOR EACH NEW EMPLOYEE BEFORE STARTING A JOB ASSIGNMENT;

(2) PROVIDE EMPLOYEES OPPORTUNITIES TO ASK QUESTIONS, PROVIDE FEEDBACK, AND REQUEST ADDITIONAL INSTRUCTION, CLARIFICATION, OR

OTHER FOLLOW–UP;

(3) BE PROVIDED IN–PERSON BY AN INDIVIDUAL WITH KNOWLEDGE OF HEAT–RELATED ILLNESS PREVENTION AND OF THE PLAN OF THE EMPLOYER REQUIRED UNDER SUBSECTION (A) OF THIS SECTION; AND

(4) BE APPROPRIATE IN CONTENT AND VOCABULARY TO THE LANGUAGE, EDUCATIONAL LEVEL, AND LITERACY OF THE EMPLOYEES.

(F) EACH EMPLOYER SHALL:

(1) MAINTAIN AT ALL TIMES:

(I) RECORDS RELATED TO EACH PLAN OF THE EMPLOYER REQUIRED UNDER SUBSECTION (A) OF THIS SECTION, INCLUDING HEAT–RELATED ILLNESS RISK AND HAZARD ASSESSMENTS AND IDENTIFICATION, EVALUATION, CORRECTION, AND TRAINING PROCEDURES;

(II) DATA ON ALL HEAT–RELATED ILLNESSES AND DEATHS THAT HAVE OCCURRED AT THE PLACE OF EMPLOYMENT; AND

(III) DATA ON ENVIRONMENTAL AND PHYSIOLOGICAL MEASUREMENTS RELATED TO HEAT; AND

(2) MAKE THE RECORDS AND DATA AVAILABLE, ON REQUEST, TO EMPLOYEES AND THEIR REPRESENTATIVES, AND TO THE COMMISSIONER FOR EXAMINATION AND COPYING.

(G) (1) EACH EMPLOYER SHALL ADOPT A POLICY PROHIBITING ANY PERSON, INCLUDING AN AGENT OF THE EMPLOYER, FROM DISCRIMINATING OR RETALIATING AGAINST AN EMPLOYEE FOR:

(I) EXERCISING THE RIGHTS OF THE EMPLOYEE UNDER THIS SECTION; OR

(II) REPORTING VIOLATIONS OF THIS SECTION TO THE FEDERAL GOVERNMENT, THE STATE, OR A LOCAL GOVERNMENT.

(2) AN EMPLOYER MAY NOT DISCRIMINATE OR RETALIATE AGAINST AN EMPLOYEE FOR:

(I) REPORTING A HEAT–RELATED ILLNESS CONCERN TO, OR SEEKING ASSISTANCE OR INTERVENTION WITH RESPECT TO HEAT–RELATED

HEALTH SYMPTOMS FROM, THE EMPLOYER, LOCAL EMERGENCY SERVICES, THE FEDERAL GOVERNMENT, THE STATE, OR A LOCAL GOVERNMENT; OR

(II) EXERCISING ANY OTHER RIGHTS OF THE EMPLOYEE UNDER THIS SECTION.

(H) THIS SECTION MAY NOT BE CONSTRUED TO DIMINISH THE RIGHTS, PRIVILEGES, OR REMEDIES OF ANY EMPLOYEE UNDER A COLLECTIVE BARGAINING AGREEMENT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

2020 Priority Issues - MBIA

Uploaded by: Graf, Lori

Position: UNF

MARYLAND BUILDING INDUSTRY ASSOCIATION

marylandbuilders.org

The Ripple Effect of Home Building

ECONOMIC IMPACT OF RESIDENTIAL HOME BUILDING IN MARYLAND PER YEAR

Industries Involved

$1.23 BILLION

The jobs, wages and local taxes (including utility connection and impact fees) generated by development, construction and the sale of a home.

Ripple Effect of Wages

$649 MILLION

The wages and profits for local residents earned during the construction period are spent on other locally produced goods and services.

Ongoing, Annual Effect

$420 MILLION

The local jobs, incomes and taxes generated as a result of the home being occupied.

MBIA 2020 PRIORITY ISSUES

Housing Affordability

Safe, decent, housing that is affordable provide fundamental benefits that are essential to the well-being of families and communities. However, owning or renting a suitable home is increasingly out of financial reach of many households. The cost of housing is determined by many factors, including labor and material prices; interest rates and financing costs; federal, state and local regulations; and supply and demand. In today's market, a limited supply of land, a shortage of skilled labor, and rising fees are contributing to higher prices.

Workforce Development

A skilled and capable workforce that is adequate to meet our housing demand is vital to home builders. Despite competitive pay, the home building industry continues to experience labor shortages. This translates into higher housing costs, increased home prices, difficulty completing projects on time, and lower economic growth

Inclusionary Zoning

While the policy offers a solution for the growing need for affordable housing across the state, we must ensure there are appropriate offsets and incentives to compensate for the economic impact to builders and developers.

Transportation/ infrastructure

Traffic congestion in the state is among the worst in the nation. We need to find practical solutions to this problem to get people to their jobs and housing in safe, timely manner.

Adequate Public Facilities Ordinances

APFOs have emerged as a popular planning technique however local jurisdictions' attempts to reduce APF capacities artificially constrain development and negatively impacts jobs growth and economic development.

Forest Conservation

The Forest Conservation Act should be used as one of many tools to maintain Maryland's 40% forest canopy coverage. Currently, Maryland's coverage exceeds the 40% threshold. This is a result of enforcement of the existing FCA and other policies throughout the state. This provides evidence that Maryland's tree canopy policies are working as intended and do not need to change at this time.

Business Climate

Maryland must look for opportunities to assist businesses in navigating regulatory compliance and coordinating the complicated development approval process.

#mbiaworkingforyou

MBIA SB 434 UNFAV
Uploaded by: Graf, Lori
Position: UNF

MARYLAND BUILDING INDUSTRY ASSOCIATION
11825 West Market Place | Fulton, MD 20759 | 301-776-6242

February 20, 2020

The Honorable Delores G. Kelley
Chair, Finance Committee
Miller Senate Office Building, 3E
11 Bladen Street
Annapolis, MD 21401

RE: Opposition to Senate Bill 434 (Labor and Employment - Occupational Safety and Health - Heat Stress Standards)

Dear Chairwoman Kelley:

The Maryland Building Industry Association, representing 100,000 employees of the building industry across the State of Maryland, strongly opposes Senate Bill 434 (Labor and Employment - Occupational Safety and Health - Heat Stress Standards).

This measure requires the Commissioner of Labor to adopt regulations that provide for written heat stress plans that include cold water, rest breaks in shade, limiting the amount of time in heat, postponing tasks, rotating employees, and record keeping.

Though MBIA appreciates the intent to protect workers' health and safety, implementing these new regulations would be very expensive, particularly for the small and locally-owned businesses that make up a large percentage of our industry. Furthermore, many businesses already implement sufficient workplace safety policies compliant with federal standards. Additional requirements are unnecessary and costly.

For these reasons, MBIA respectfully requests the Committee give this measure an unfavorable report. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or lgraf@marylandbuilders.org.

cc: Senate Finance Committee Members

MMHA _ UNF_ SB 434
Uploaded by: Greenfield, Aaron
Position: UNF

MARYLAND MULTI-HOUSING ASSOCIATION, INC.

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.**

Aaron J. Greenfield, MMHA Director of Government Affairs, 410.446.1992

MDChamber_Griffin_UNFAV_SB434
Uploaded by: Griffin, Andrew
Position: UNF

MARYLAND
Chamber of Commerce

LEGISLATIVE POSITION:
Unfavorable
Senate Bill 434—Labor and Employment--Occupational Safety and Health--Heat Stress Standards
Senate Finance Committee

Thursday, February 20, 2020

Dear Chairwoman Kelley and Members of the Committee:

Founded in 1968, the Maryland Chamber of Commerce is the leading voice for business in Maryland. We are a statewide coalition of more than 4,500 members and federated partners, and we work to develop and promote strong public policy that ensures sustained economic growth for Maryland businesses, employees and families.

Senate Bill 434 would require the Maryland Commissioner of Labor and Industry to adopt regulations that include a standard establishing heat stress levels for employees that, if exceeded, triggers action to protect employees from heat-related illness. Further, the bill requires employers to develop, implement and maintain a heat-related illness prevention plan for employees tailored to address hazards specific to the place of employment.

In February 2016, the National Institute for Occupational Safety and Health (NIOSH) published Criteria for a Recommended Standard: Occupational Exposure to Heat and Hot Environments, a technical resource on heat stress, heat-related illness signs and symptoms, and heat programs. Heat-related illness prevention programs are referenced in this chapter of the Occupational Safety and Health Administration's (OSHA) Technical Manual.

OSHA and NIOSH, two federal agencies specializing in workplace safety, have addressed and maintain oversight of heat stress and heat-related illness in the workplace. This includes issuing recommendations and guidance without mandates. For this reason, the Chamber believes that this legislation may be duplicative, and that Maryland should follow the lead laid out by the federal government. Further, we believe it more appropriate for Maryland Occupational Safety and Health (MOSH) to launch and promote an educational campaign relative to heat stress and heat-related illness for employers, rather than issuing an employer mandate.

For these reasons, the Maryland Chamber of Commerce respectfully requests an **Unfavorable Report** on SB 434.

Klinefelter_UNF_SB434
Uploaded by: Klinefelter, Marshall
Position: UNF

MARYLAND ASPHALT ASSOCIATION
SINCE 1954

February 20, 2020

Senator Delores G. Kelley, Chair
Finance Committee
3 East, Miller Senate Office Building
11 Bladen Street
Annapolis, Maryland 21401

OPPOSE

Re: **SENATE BILL 434 – OCCUPATIONAL SAFETY AND HEALTH – HEAT STRESS STANDARDS**

Dear Chair Kelley and Committee Members:

The Maryland Asphalt Association is comprised of 18 producer members representing more than 47 production facilities, 21 contractor members, 24 consulting engineer firms and 39 other associate members. We proactively work with regulatory agencies to represent the interests of the asphalt industry both in the writing and interpretation of state and federal regulations that may affect our members. We also advocate for adequate state and federal funding for Maryland's multimodal transportation system.

SB 434 would require employers to develop, implement, and maintain heat-related illness prevention plans for employees, which includes providing potable water with a temperature of less than 59 degrees, limiting the length of time an employee is exposed to heat, and acclimatizing employees to areas where exposure to heat is present. While we respect the sponsor's intent with this legislation, we feel it is cumbersome and impossible to administer. For instance, ensuring that the temperature of the water is below a certain degree would be costly and unnecessary. There is no evidence to show that cold water is essential for treating heat concerns. We would also like to stress that employee safety is of the utmost concern to us and our members, and we place high value on ensuring that. We already create and utilize safety guides for heat related stress and implement many of the measures referenced in the bill into our daily work day. Moreover, OSHA requires employers to protect workers from recognized serious hazards in the workplace, including heat-related hazards.

We appreciate you taking the time to address this important issue and we respectfully urge an unfavorable report on Senate Bill 434.

Thank you,

G. Marshall Klinefelter

Marshall Klinefelter
President
Maryland Asphalt Association

IEC ChesapeakeKevin O'Keeffe_UNF_SB434

Uploaded by: O'Keeffe, Kevin

Position: UNF

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www.iecchesapeake.com

8751 Freestate Drive
Suite 250
Laurel, MD 20723

February 20, 2020

To: Members of the Senate Finance Committee

From: Independent Electrical Contractors (IEC) Chesapeake

Re: Oppose Senate Bill 434 – Labor and Employment – Occupational Safety and Health-Heat Stress Standards

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IEC Chesapeake opposes Senate Bill (SB) 434 and requests an unfavorable report. IEC Chesapeake's members adhere to all State and Federal safety regulations and take seriously their responsibility to provide a safe work environment for their employees. However, IEC Chesapeake believes that SB434 creates burdensome and costly regulatory requirements. Specifically, the requirements of hiring additional workers, creating engineering controls, administrative controls, and training and educational requirements would be cost prohibitive on many businesses since the proposed legislation applies to all businesses regardless of their number of employees.

Independent Electrical Contractors (IEC) Chesapeake represents members throughout Delaware, Maryland, Virginia, Pennsylvania, and Washington, D.C. Our headquarters are located in Laurel, Maryland. IEC Chesapeake has an extensive apprenticeship program for training electricians. In addition, IEC Chesapeake promotes green economic growth by providing education and working with contractor members, industry partners, government policy makers and inspectors to increase the use of renewable energy.

Thanks for your consideration. If you have any questions, please contact Grant Shmelzer, Executive Director of IEC Chesapeake, at 301-621-9545, extension 114 or at gshmelzer@iec-chesapeake.com or Kevin O'Keeffe at 410-382-7844 or at kevin@kokeeffelaw.com.

IEC PRIDE

Sakata_UNF_SB434
Uploaded by: Sakata, Michael
Position: UNF

MTBMA
MARYLAND TRANSPORTATION BUILDERS AND MATERIALS ASSOCIATION

February 20, 2020

Senator Delores G. Kelley, Chair
Finance Committee
3 East, Miller Senate Office Building
11 Bladen Street
Annapolis, Maryland 21401

OPPOSE

Re: **SENATE BILL 434 – OCCUPATIONAL SAFETY AND HEALTH – HEAT STRESS STANDARDS**

Dear Chair Kelley and Committee Members:

The Maryland Transportation Builders and Materials Association ("MTBMA") has been and continues to serve as the voice for Maryland's construction transportation industry since 1932. Our association is comprised of 200 members. MTBMA encourages, develops, and protects the prestige of the transportation construction and materials industry in Maryland by establishing and maintaining respected relationships with federal, state, and local public officials.

SB 434 would require employers to develop, implement, and maintain heat-related illness prevention plans for employees, which includes providing potable water with a temperature of less than 59 degrees, limiting the length of time an employee is exposed to heat, and acclimatizing employees to areas where exposure to heat is present. While we respect the sponsor's intent with this legislation, we feel it is cumbersome and impossible to administer. For instance, ensuring that the temperature of the water is below a certain degree would be costly and unnecessary. There is no evidence to show that cold water is essential for treating heat concerns. We would also like to stress that employee safety is of the utmost concern to us and our members, and we place high value on ensuring that. We already create and utilize safety guides for heat related stress and implement many of the measures referenced in the bill into our daily work day. Moreover, OSHA requires employers to protect workers from recognized serious hazards in the workplace, including heat-related hazards.

We appreciate you taking the time to address this important issue and we respectfully urge an unfavorable report on Senate Bill 434.

Thank you,

Michael A Sakata

Michael Sakata
President and CEO
Maryland Transportation Builders and Materials Association

MCPS_BOE_UNF_SB0434
Uploaded by: SUSSKIND, MCPS BOE
Position: UNF

MONTGOMERY COUNTY BOARD OF EDUCATION
Expanding Opportunity and Unleashing Potential
850 Hungerford Drive ◆ Room 123 ◆ Rockville, Maryland 20850

BILL:	SB0434 (Cross filed with HB0722)
TITLE:	Labor and Employment - Occupational Safety and Health - Heat Stress Standards
DATE:	2/20/2020
POSITION:	OPPOSE
COMMITTEE:	Economic Matters
CONTACT:	Danielle M. Susskind, Coordinator, Legislative Affairs Danielle_M_Susskind @mcpsmd.org

The Montgomery County Board of Education (Board) **opposes** SB0434.

Currently, online heat stress training is offered to all Montgomery County Public Schools (MCPS) employees, and some divisions provide informal staff training and seasonal guidance related to heat and cold stress. MCPS employees rarely experience serious heat-related worker illnesses (three cases since 2011). MCPS supports providing additional training and planning around this issue to ensure worker safety. Many of the details of how this bill would impact MCPS will not be known fully until the implementing regulations are developed. MCPS believes employee matters should be left to the purview of the local school sytem.

For these reasons, the Board **opposes** this legislation and urges an unfavorable report.

ABC_UNF_SB434
Uploaded by: Zinsmeister, Robert
Position: UNF

Associated Builders and Contractors, Inc.

Maryland Joint Legislative Committee

The Voice of Merit Construction

Mike Henderson
President
Baltimore Metro Chapter
mhenderson@abcbaltimore.org

Chris Garvey
President & CEO
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Additional representation by:
Harris Jones & Malone, LLC

6901 Muirkirk Meadows Drive
Suite F
Beltsville, MD 20705
(T) (301) 595-9711
(F) (301) 595-9718

February 20, 2020

TO: FINANCE COMMITTEE

FROM: ASSOCIATED BUILDERS AND CONTRACTORS

RE: S.B. 434- LABOR AND EMPLOYMENT- OCCUPATIONAL SAFETY AND HEALTH- HEAT STRESS STANDARDS

POSITION: OPPOSE

Associated Builders and Contractors (ABC) opposes S.B. 434 which is before you today for consideration. The bill would require an employer to develop, implement, and maintain an effective excessive heat-related illness prevention plan for employees.

ABC certainly supports the intent of the bill and that can be demonstrated by the contractors doing this work already have a comprehensive plan for dealing with excessive heat situations to make sure their employees are safe and aware of the consequences that may result from working in these conditions. Trying to draft legislation based on something as unpredictable as the weather is challenging to say the least. One of the provisions in the bill is to have contractors hire additional employees as a means of giving workers breaks and less exposure. At the same time, the bill calls for a training period prior to a worker going on the job site. Neither of these will work in the real world.

Unfortunately, there are too many unanswered questions remaining as to how portions of this bill are going to be implemented and what measures will be used to make many of these evaluations and decisions. The Commissioner is required to adopt regulations on or before October 1, 2022. Until these regulations are available, it will be next to impossible for the contractor to comply with many provisions contained in the bill.

For these reasons, ABC recommends an unfavorable report on S.B. 434.

Robert Zinsmeister, Director
Government Affairs

BDCBT_INFO_SB434
Uploaded by: Guido, Jeff
Position: INFO

Electrical Workers
Insulators
Boilermakers
United Association
Roofers
Cement Masons
Teamsters
Laborers
Bricklayers
Ironworkers
Sheet Metal Workers
Elevator Constructors
Painters
Operating Engineers
Carpenters

Maryland Senate – Finance Committee

Chair: Delores G. Kelley
Vice Chair: Brian J. Feldman

Senate Bill 434 – Labor & Employment – Occupational Safety & Health – Heat Stress Standards.

Position: Informational No Position.

The Baltimore DC Metro Trades Council recognizes the hazards of heat stress and heat related illnesses. As construction workers we work in every element from cold and snow to rain and heat. In buildings and structures where there is no movement of air of any kind. Ground temperatures may be 90 degrees but 10, 15 or 20 stories up in a closed building it can be well over 100 degrees. The same is true of cold weather where it can be 25 degrees at ground level but go up 100 feet to work between concrete floors open to the wind with no sunlight and the wind chill can be zero degrees. Due to these harsh conditions we have developed language within our collective bargaining agreements to provide water that has to be potable, clean and cold within a reasonable distance for access to all workers. Change sheds are provided to reduce over exposure to the elements. All safety precautions are followed and enforced by the use weekly safety "Tool Box" talks and full-time safety officers that walk the projects to ensure the safety procedures and the use of personal protective equipment "PPE" are in use. We believe that every precaution should be taken to prevent accidents and illness on the job site. Unionization and collective bargaining provide the best protections for working men and women. The collective bargaining agreement will improve job conditions to minimize hazards for employees and increase production for employers.

Thank you.

Jeffry Guido – Director

(E) jguido@bdcbt.org (O) 301-909-1071 (C) 240-687-5195

5829 Allentown Rd Camp Spring MD 20746

MDDeptofLabor_INFO_SB434
Uploaded by: Robinson, Tiffany
Position: INFO

Maryland
DEPARTMENT OF LABOR

LEGISLATIVE OFFICE
45 CALVERT STREET
ANNAPOLIS, MD 21401
(410) 260-6076

Senate Bill 434

Date: February 20, 2020
Committee: Finance
Bill Title: Labor and Employment - Occupational Safety and Health - Heat Stress Standards

Senate Bill 434 requires all employers to have detailed heat stress related written programs, perform a variety of monitoring and in person training, and mandates specific work practices based on employee exposure to heat. SB 434 applies to all workplaces; it does not provide an exception for typically climate controlled workplaces such as office or retail settings, seasonal work, or geographic locations. Maryland Occupational Safety and Health (MOSH) already has existing laws and inspection procedures to address extreme heat exposure and anti-retaliation provisions.

SB 434 directs the Commissioner of Labor and Industry to determine the exact threshold of heat stress levels that, once exceeded, will require all employers to provide paid rest breaks, shade, cooling-off areas, limiting hours per day an employee may be exposed to heat, increasing the number of workers, testing the temperature of drinking water, etc. A major challenge to this, however, is the heat exposure capacities of individuals vary greatly depending on age, lifestyle, health, genetics, and acclimatization, which inhibits a one-size fits all approach.

As the provisions of the bill take effect on October 1, 2020, MOSH will be required to enforce this law with the penalty and citation provisions under existing law. The Department anticipates that many employers will be immediately in violation of the detailed requirements of a written plan, monitoring, and prescriptive training of employees and supervisors, regardless of their employees' exposure to weather conditions.

MOSH is required to conduct a full field investigation of all employee complaints alleging exposure to a "serious" hazard and is required to issue citations and penalties if a violation is found. SB 434 defines heat-related illness and includes, as "serious" in nature, rashes and heat cramps. MOSH has limited resources to conduct investigations of rashes or cramps that would typically be considered non-serious.

MOSH already affords protections for employees who are exposed to hazardous conditions under its General Duty Clause, §5-104 of the Labor and Employment Article. MOSH utilizes this standard for instances of heat-stress-related hazards and conducted 15 heat related investigations last year alone. MOSH evaluates heat stress during inspections when warranted, regardless of whether a certain temperature is exceeded. MOSH also has similar discrimination laws that provide protection for employees, specificallly §5-604 of the Labor and Employment Article.

SB 434 attempts to address employee exposure to heat stress in a prescriptive, regulatory, one-size fits all manner while existing law already provides for protection of employees from extreme heat related illness. Education, outreach, and utilizing the latest existing resources available for free on the MOSH or Occupational Safety and Health (OSHA) or National Institute of Occupational Health (NIOSH) websites are all existing and effective efforts currently in place to help employers recognize and protect employees from extreme heat.