

Maryland—House Bill #0064
Occupation Safety and Health – Handwashing Facilities on Construction Sites
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As the executive director for the Maryland Chapter of the National Electrical Contractors Association (NECA) and a member of the Alliance for Construction Excellence (ACE), our industry group is in opposition to House Bill #0064 requiring Handwashing Facilities on Construction Sites.

NECA members are electrical contractors who work in all aspects of electrical construction. Electrical contracting is the business of bringing power, light, and communications to buildings and communities across the United States and around the world. While most NECA members qualify as small businesses, large, multi-area electrical contracting firms are also members of the association. NECA contractors set the standard for traditional and integrated electrical systems and lead the industry in the practical application of new technologies. Locally, Maryland NECA represents over 75 electrical contractors throughout the state who employ over 2,000 electricians. Nationally, NECA has 119 offices that represents over 3,800 electrical contractors that employ more than 700,000 electricians.

ACE is a collation of subcontractor associations allied to monitor and create awareness of pertinent issues that impact subcontractors and specialty trade contractors in the construction industry within Maryland, Virginia, and Washington, DC. The members of ACE represent over 1,200 specialty construction contractors employing more than 57,000 employees and generating annual gross sales of \$6.5+ billion.

In the construction industry, a general contractor (GC) manages a construction project; however, subcontractors are employed by the GC and are responsible for large portions of the work performed on the jobsite. These subcontractors, in turn, employ craftspeople who perform the work on the jobsite. With the current language of the bill, it's undetermined whether the GC or the subcontractor is responsible for providing the handwashing facilities. If left ambiguous, it's reasonable to assume the cost associated with providing the handwashing facility would be pushed down to the subcontractors, most of whom are small, privately owned business that typically employ fewer than 10 people.

With potentially multiple subcontractors on a single jobsite, would it be required that all subcontractors provide handwashing stations for their specific craftspeople? In this situation, how can a small contractor be able to provide the required handwashing station for all of their employees? What happens if the construction site that's being worked on is spread out over a large area or multiple floors of a building and the access to the handwashing facilities is

arbitrarily deemed “unreasonable?” Would the subcontractor then be required to provide an additional handwashing station?

Another concern that NECA and ACE share regarding the proposed bill is the arbitrary determination of, “Reasonable access.” How is that determined? Distance? Time? On construction sites with multiple crafts, it could take a long time for an employee to walk from one end of the site to the next. Who and how do we determine what is “reasonable?”

Finally, in an industry that is required to continue working because it has been deemed essential, studies show that COVID-19 has created a 17% drop in productivity which directly hurts the profitability of our contractors. Adding the additional cost of a handwashing station and the unproductive “work time” associated with walking to the handwash station, washing your hands, and walking back to the workstation is just another burden that only hurts these small businesses.

Our contractors work tirelessly to provide a safe work environment for all their employees; whether it’s supplying personal protection equipment (PPE), staggering work hours, monitoring working conditions, etc. However, the proposed House Bill #0064 is an onerous mandate that only impedes productivity and stifles profitability for subcontractors in the construction industry trying to stay afloat during these challenging times. It is for these reasons that the Maryland Chapter of the National Electrical Contractors Association (NECA) and the Alliance for Construction Excellence (ACE) oppose House Bill #0064 and asks you to vote in opposition.

Thank you for your time and your careful consideration.