



MARYLAND STATE & D.C. AFL-CIO

AFFILIATED WITH NATIONAL AFL-CIO

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President

Donna S. Edwards

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HB 124 – Occupational Safety and Health Standards to Protect Employees – Aerosol Transmissible Diseases and COVID-19 House Economic Matters Committee January 28, 2021

SUPPORT

Donna S. Edwards

President

Maryland State and DC AFL-CIO

Madam Chair and members of the Committee, thank you for the opportunity to provide testimony in support of HB 124 – Occupational Safety and Health Standards to Protect Employees – Aerosol Transmissible Diseases and COVID-19. My name is Donna S. Edwards, and I am the President of the Maryland State and DC AFL-CIO. On behalf of the 340,000 union members in the state of Maryland, I offer the following comments.

Since the beginning of the COVID-19 pandemic, in February 2020, Maryland workers have been on the frontlines in combatting the health and economic impact of the coronavirus. In workplaces around the State, from grocery stores to hotels and restaurants, from social services offices to prisons, from transportation to health care facilities, workers have borne the brunt of the effects of this deadly virus, oftentimes with conflicting information and minimal procedures on how to stay safe in the workplace.

Far too many workers put their lives at risk because employers did not provide adequate protections and protocols to keep workers safe. Maryland's workers deserve to be safe at work, to have enforceable and consistent safety rules and protocols while performing their work duties.

In May 2020, The Maryland State and D.C. sent a letter signed by over 60 labor leaders requesting that the Governor implement an Emergency Temporary Standard (ETS) through executive action, compelling MOSH to promulgate regulations to provide safe working conditions around the State. That letter is attached to this testimony. Supporting and echoing our request, dozens of Doctors and Health Officials, as well as numerous advocacy groups submitted their own letters to the Governor imploring him to do the same.

Our call for the health and safety of workers went completely unanswered, while Virginia's Governor acted by implementing an ETS in the Commonwealth. HB 124 is the answer to the Governor's inaction, as it directs the State to develop and implement an Emergency Temporary Standard (ETS), that is industry specific.

In addition to creating an ETS for the COVID-19 pandemic, the bill directs the Commissioner to establish a permanent occupational safety and health standard to protect employees from occupation exposure to aerosol transmissible diseases. Not only will we have consistency during these trying times, we will ensure that we plan appropriately for any public health-related emergencies due to infectious disease in the future.

COVID-19 caught us flat-footed and unprepared. We ask that you take the necessary steps to protect Maryland workers, and stand up for the dignity of their work and not just give them accolades for being heroes, but give them real protections and respect.

We urge a favorable report on HB 124.



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May 27, 2020

The Honorable Larry Hogan
Governor, State of Maryland
100 State Circle
Annapolis, MD 21401

Dear Governor Hogan,

We, the undersigned are petitioning the State of Maryland to adopt an emergency temporary standard (ETS) for COVID workplace protection as a critical component of the State's plan to address and recover from the unprecedented coronavirus pandemic. The State has the legal authority in accordance with enabling Maryland law, and as part of its agreement with the federal Occupational Safety and Health Administration (OSHA), to develop and implement an ETS. Current Maryland Occupational Safety and Health (MOSH) standards fail to adequately guarantee workers a safe workplace at reduced risk of SARS Co-V-2 exposure, and the current guidance from the Centers for Disease Control and Prevention (CDC) and OSHA for essential workers is too broad and inadequate.

Hundreds of thousands of Maryland workers are at risk of exposure. Everyone recognizes the heightened exposure threat to all levels of health care staff-nurses, aides, cooks and maintenance workers in hospitals, nursing and senior facilities and in-home care, and our first responders – firefighters, police and EMTs. Other essential workers delivering critical services also have heightened exposure risks including: grocery store workers, transit workers, protective services social workers, skilled construction trades workers, postal workers, delivery workers, farm workers, corrections officers, public sector workers at all levels of government, and countless others.

Infections and fatalities in Maryland are starting to flatten, but they continue to rise, nonetheless. When essential workers get sick it impacts everyone. It leads to staffing shortages in critical industries that are desperately needed by the public and it elevates the stress of the worker's family and community.

We have witnessed how essential our health institutions, public safety, crucial public services and income safety nets, and the common every-day needs of groceries, postal services, and trash collection are to sustaining our communities during a major crisis. The State must protect workers who are currently on the job, as well as those who will be returning to work through the Governor's phased-in re-opening of the State. To adequately protect our essential workers – and all workers – MOSH should issue an Emergency Temporary Standard (ETS) that would require worker protections, including:

- A hazard assessment of job tasks and the worksite to identify potential exposures conducted in collaboration with employees and their exclusive bargaining representative
- An employer written COVID (SARS-Co-V2) exposure control plan, reviewed by MOSH, to address the exposure hazards at every worksite
- Appropriate protections to address those hazards including:
 - Engineering controls – increased ventilation and barriers
 - Administrative controls to assure social distancing – spacing of workstations etc., scheduling alteration to reduce exposure, signage
 - Personal protective equipment industry specific
 - N-95 Masks
 - Testing for employees in confined environments and those with consistent exposure to the public
 - Access and opportunities for frequent handwashing
 - Effective cleaning and disinfection of the worksite and equipment
 - Training on the coronavirus and symptoms and the employer’s control plan
 - Coordination with MOSH and the state and local health departments

COVID-19 is a new and dangerous hazard for employers and employees. To help address the crisis the state needs to also increase funding for the MOSH to allow the agency to provide assistance to employers as they develop exposure control plans, assess their worksites and pursue efforts to protect their employees. MOSH is core to the sound public health response to workplace issues.

A failure to act now is a failure to prevent more infections and deaths. Failure to implement ETS severely limits our state’s ability to fight this pandemic, exacerbating and lengthening its deadly effects on the lives of all Marylanders. An Emergency Temporary Standard, mandating such protections, is required for Maryland now. The elements that must be included in an ETS have been attached to this letter for your review and to provide a framework in which to craft and implement an ETS for Maryland.

Your bold and decisive action is required to make this happen.

Thank you,

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

Cc: Tiffany Robinson, Secretary of Labor
 Matthew S. Helminiak, Commissioner of Labor and Industry
 Robert R. Neall, Secretary, Maryland Department of Health
 William Ferguson, President, Maryland State Senate
 Adrienne Jones, Speaker, Maryland House of Delegates

Signatories to the Request to Governor Hogan ETS for COVID Workplace Protection:

Donna S. Edwards, President, MD State and DC AFL-CIO

Gerald W. Jackson, Secretary-Treasurer, MD State and DC AFL-CIO

Loretta Johnson, Secretary-Treasurer, American Federation of Teachers

Jermaine Jones, President, Metropolitan Baltimore Council AFL-CIO

Andrew Washington, Interim President, Metro Washington Council AFL-CIO

Deborah Williams, President, DelMarVa Central Labor Council AFL-CIO

Jeff Hughes, President, Central Maryland AFL-CIO Council

George Koontz, President, Western Maryland Central Labor Council AFL-CIO

Glen Middleton, Regional VP AFSCME, Director AFSCME Council 67

Patrick Moran, President, AFSCME Council 3

Robert Hollingsworth, President, AFSCME Council 20

Marietta English, President AFT-Maryland Council

Shannon Opfer, President, CWA MD DC State Council, President, CWA Local 2107

Brian Courtien, Business Manager, IUPAT District Council 51

Jeff Guido, Baltimore-DC Building Trades

Terry Cavanagh, Executive Director, SEIU MD/DC Council

Clayola Brown, President, A. Philip Randolph Institute

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Chip Cook, VP Central Maryland CLC, President AFSCME Local 1540

Mike Smith, Treasurer, Metro Baltimore Council AFL-CIO, President NALC Oriole Branch Local 176

Ginger Noble, Secretary, Central Maryland AFL-CIO Council, President AFSCME 354

Dan Tedrick, Treasurer, Central Maryland AFL-CIO Council, IBEW Local 307

Anita Marcel-Autrey, President, AFGE Local 1923

Rick Bartlett, President, AFSCME Local 3675

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George Hogan, Business Manager, IBEW Local 26
Bob Holsey, Business Manager, IUOE Local 37
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Debbie Michaels, President, AFSCME Local 1459
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Antoinette Ryan-Johnson, President, City Union of Baltimore, AFT Local 800
Ed Smith, Executive Director, DC Nurses Association
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Denise Yorkshire, President, ACE-AFSCME Local 2250