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January 28, 2021

To: The Honorable Dereck E. Davis
Chair, Economic Matters Committee

From: Hannibal G. Williams II Kemerer, Esq.
Office of the Attorney General

Re: HB0124 – Occupational Safety and Health Standards to Protect Employees – Aerosol
Transmissible Diseases and COVID-19 – **Support**

The Office of the Attorney General urges the Economic Matters Committee to favorably report HB 124, Delegate Valderrama's legislation to require the Commissioner of Labor and Industry to adopt regulations, by October 1, 2021, establishing occupational safety and health standard protecting employees from exposure to aerosol transmissible diseases (ATD). The bill further requires the Secretary of Labor and the Commissioner to develop an Emergency Temporary Occupational safety and Health Standard to Protect Employees from COVID-19 by March 1, 2021.

The Attorney General's Access to Justice Task Force issued a report earlier this month in which it recommended legislation precisely like HB 124 to protect workers and their families more effectively from COVID-19 and other infectious diseases.¹ The report noted that "[e]ssential workers—first responders and health care, food, transportation, and delivery workers who are lower-income and disproportionately people of color and women—have been hit hardest by the virus."² Some "have been forced to continue working despite lacking personal protective equipment and other safeguards."³ It is a fundamental function of government to protect workers from on-the-job exposure to deadly diseases when their employers are reluctant to do so.

¹ See MD. ATT'Y GEN. BRIAN E. FROSH'S COVID-19 ACCESS TO JUST. TASK FORCE, CONFRONTING THE COVID-19 ACCESS TO JUSTICE CRISIS 13 (Jan. 2021), https://www.marylandattorneygeneral.gov/A2JC%20Documents1/AG_Covid_A2J_TF_Report.pdf.

² *Id.* at 7.

³ *Id.*

It's been six months since Virginia's Department of Labor and Industry promulgated its Emergency Temporary Standard Infectious Disease Prevention.⁴ Moreover, last week, the Virginia Safety and Health Codes Board passed (9-4) a permanent standard on COVID-19 that Governor Northam is reviewing.⁵ Maryland should be just as keen to protect essential and other workers from the scourge of COVID-19 as our neighbors.

For all of the foregoing reasons, the Office of Attorney General urges a favorable report on HB 124.

cc: Committee Members

⁴ See generally VA. DEP'T OF LAB. AND INDUS., 16VAC25-220, EMERGENCY TEMPORARY STANDARD INFECTIOUS DISEASE PREVENTION: SARS-CoV-2 VIRUS THAT CAUSES COVID-19 (Jul. 15, 2020), <https://www.doli.virginia.gov/wp-content/uploads/2020/07/RIS-VR-FINAL-COVID-19-Emergency-Temporary-Standard-FOR-PUBLIC-DISTRIBUTION-final-July-23.2020.pdf>.

⁵ See Courtney Malveaux, *Virginia Passes Permanent Standard on COVID-19*, EHS TODAY (Jan. 21, 2021), <https://www.ehstoday.com/covid19/article/21152614/virginia-passes-permanent-standard-on-covid19>.