

HB581: Maryland Essential Workers Protection Act
Economic Matters Committee Hearing
February 5th, 2021

FAVORABLE -- WITH AMENDMENTS

Chair Davis, Vice-Chair Dumais, and members of the House Economic Matters Committee:

Nuclear Information and Resource Service (NIRS) is pleased to have the opportunity to provide our views on the HB581, the Maryland Essential Workers Protection Act.

HB 581 would apply necessary standards and protections to thousands of frontline workers in Maryland during the COVID-19 pandemic and other states of emergency. NIRS supports the intent and provisions of the bill, including and especially the protections for whistleblowers and workers who bring complaints about workplace safety conditions and compliance with the provisions of HB581.

Unfortunately, as drafted, HB581 excludes potentially thousands of frontline, essential workers who are at severe risk of COVID-19 infection, and whose ability to do their jobs is critical for protecting the health and safety of Marylanders, as well as residents of neighboring states and the District of Columbia. Specifically, HB581 excludes workers at nuclear power and hydroelectric power plants from coverage. It may also exclude workers at electric distribution utilities. We recommend that the bill be amended to ensure that all of these essential workers enjoy the protections that HB581 would provide.

Nuclear power plant workers, in particular, are subject to high risk of infection from COVID-19, due to their unique working conditions. The risk of coronavirus spread at reactor sites also poses particular risk to the rural communities in which they are located, which have less medical care infrastructure and hospital capacity. State action is needed because federal agencies, including the U.S. Nuclear Regulatory Commission, have failed to require any reporting of COVID-19 infections or protective measures at nuclear power plants. Despite the lack of official information, media reports have documented a trend of very high rates of infection at multiple reactor sites throughout the country, reaching 10% to 25% at some sites last year.¹

The health and safety of nuclear workers is vital to all Marylanders. The work they do to maintain and operate nuclear power plants reduces the risk of a catastrophic radioactive disaster, such as those that occurred at the Fukushima Dai-Ichi power plant in Japan ten years ago, and the Three Mile Island nuclear power plant in 1979.

In Maryland, the Calvert Cliffs Nuclear Power Plant employs a full-time staff of approximately 800 workers. Frontline maintenance staff, control room operators, security guards, and those in other critical positions must work in close proximity to one another, on a daily basis. In addition, annual refueling and maintenance outages, such as the one set to begin at Calvert Cliffs later this month, involve bringing 1,000 or more temporary workers and contractors to the site for several weeks at a time. In addition, many of those workers travel to multiple nuclear power plants around the country

¹ <https://www.nirs.org/coronavirus-and-the-nuclear-industry/>

in the spring and fall to work refueling and maintenance outages, which has created pathways for community spread from one county and one state to the next.

Since the beginning of the pandemic, NIRS and other organizations have tracked the impact of COVID-19 on the nuclear workforce, through media reports and social media. We have seen alarming rates of infection at sites where journalists have been able to access information and where workers have had the courage to speak out. Along with 85 organizations, we appealed to the federal government to require protections for nuclear workers and regular reporting of infection rates,² but the Nuclear Regulatory Commission and the White House Coronavirus Task Force failed to take action.³ The issue was first reported at the Limerick Nuclear Generating Station in Pennsylvania, owned by Exelon.⁴ Workers, local officials and a state senator appealed to Exelon in March 2020 to provide greater protection for workers and the local community during the Limerick refueling outage.⁵ Exelon did not act on their requests. Some workers reported being told that they could stay home from work if they didn't feel safe, but they would not be paid. By the end of the refueling outage, it was reported that dozens of workers were either infected or quarantined due to spread of COVID-19 at Limerick.

Similar and worse incidents have occurred at other nuclear power plants. In May 2020, at the Fermi Nuclear Power Plant in Michigan, there were over 200 workers who had tested positive for coronavirus during the refueling outage. Eventually, that outage had to be extended through most of the summer, due to the high numbers of workers who became infected. And at the Vogtle Nuclear Power Plant in Georgia, over 200 workers were infected by June 2020. The utility laid off 20% of the workforce in order to reduce the concentrations of people on the site. Yet, infections continued to spike, reaching more than 800 in August, and more than 1,800 as of January 2021.⁶

Nuclear workers need and deserve the protections that would be provided by HB581, as much as all of the other essential workers who would be covered by the bill. They risk their own health and safety every day to protect the health and safety of other Marylanders, by maintaining, operating, and securing Calvert Cliffs as best they can. Maryland should ensure that they are protected as much as possible from COVID-19, just like all of the other essential workers this bill would cover.

In addition, it is unclear whether the thousands of workers employed by our electricity distribution utility companies would be covered. The same section of the bill includes companies involved in the distribution of gas, oil, and other fossil fuel products, but not electricity. These are also essential, frontline workers whose jobs enable the rest of our economy to function, many of whom already work in hazardous conditions.

² https://www.nirs.org/wp-content/uploads/2020/04/Nuclear-COVID19-letter_WH-CoV-Task-Force_86-organizations.pdf

³ https://www.nirs.org/wp-content/uploads/2020/06/Nuclear-COVID19-followup-letter_WH_202006.pdf

⁴ https://www.thereporteronline.com/news/coronavirus/sen-muth-seeks-answers-about-coronavirus-response-plan-at-limerick-nuclear-plant/article_a6ce5826-7e71-5afd-a069-47cb77710731.html?utm_medium=social&utm_source=twitter&utm_campaign=user-share

⁵ https://www.pottsmmerc.com/news/coronavirus/workers-terrified-at-limerick-nuclear-plant-amid-coronavirus/article_934efb34-76a4-11ea-afbe-17495d88f209.html

⁶ <https://www.ajc.com/ajcjobs/vogtle-nuclear-project-problems-grow-covid-19-cases-doubled/ICQ5FBQP3NAMVBKZWBKKSQRBKA/>

Therefore, NIRS recommends that HB581 be amended to ensure that the same protections are extended to all electricity sector workers, including those employed at nuclear power plants, hydroelectric plants, and electricity distribution utilities.

Thank you for considering our views.

Timothy L. Judson
Executive Director
Nuclear Information and Resource Service
timj@nirs.org
301-270-6477