

**HB 124**

**Occupational Safety and Health Standards to Protect Employees - Aerosol Transmissible Diseases and COVID-19
Economic Matters Committee
Position: Favorable with amendments**

Maryland AGC, the Maryland Chapter of the Associated General Contractors of America, provides professional education, business development, and advocacy for commercial construction companies and vendors, both open shop and union. AGC of America is the nation's largest and oldest trade association for the construction industry. AGC of America represents more than 26,000 firms, including over 6,500 of America's leading general contractors, and over 9,000 specialty-contracting firms, all through a nationwide network of chapters. Maryland AGC respectfully urges that HB 124 be amended to address issues set forth below, and, as amended, be given a favorable report.

HB 124 addresses the current COVID-19 pandemic and other possible airborne infections by requiring the Commissioner of Labor to establish a temporary occupational safety and health standard to protect employees from COVID-19 and a permanent standard to prevent occupational exposure to aerosol transmissible diseases generally. For the most part, the requirements set forth for these standards are prudent and reasonable. Many construction companies, particularly the larger companies, have adopted their own protocols that address and include many of the points contained in HB 124.

There is one relatively minor issue. Section 5-308.2(B)(3) prohibits an employer from taking discriminatory or retaliatory action against an employee who reports to "an employer, a federal, state, or local agency, the media, or a social media platform" a violation of regulation or a good faith concern about a workplace infectious disease hazard. State law and regulation should not encourage employees to ignore legitimate government bodies and turn instead to the media or especially the vast array of social networks, some credible and others not. It is more appropriate for the government bodies with jurisdiction to investigate and release information based on investigation to the media, when, as, and if appropriate. HB 124 runs the substantial probability of fostering an inverted order of priority, giving primary place to sensationalism and unwarranted public concern rather than to agencies with the expertise and authority to take whatever action is needed. That provision should be amended to exclude the media and social networks.

Accordingly, Maryland AGC respectfully urges the Committee to amend HB 124 to address this concern and, as amended, to give HB 124 a favorable report.

Champe C. McCulloch
McCulloch Government Relations, Inc.
Lobbyist for Maryland AGC