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MARYLAND ASPHALT ASSOCIATION



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G. Marshall Klinefelter

March 9th, 2021

Senator Delores G. Kelley, Chair
Finance Committee
3 East Miller Office Building
Annapolis, MD 21401

RE: SB 813 – UNFAVORABLE – Workers’ Compensation – Occupational Disease Presumptions – COVID-19

Dear Chair Kelley and Committee Members:

The Maryland Asphalt Association is comprised of 18 producer members representing more than 48 production facilities, 20 contractor members, 24 consulting engineer firms and 40 other associate members. Combined our members employ more than 4,000 Marylanders in our operations. We assist with the education of our workforce, sponsor safety activities and promote best practices while working diligently to produce the highest performing pavement materials with the lowest carbon footprint. We proactively work with regulatory agencies to represent the interests of the asphalt industry both in the writing and interpretation of state and federal regulations that may affect our members. We also advocate for adequate state and federal funding for Maryland’s multimodal transportation system.

While we are extremely sympathetic to the plight of the COVID-19 pandemic, this bill is far-reaching and promotes bad public policy. SB 813 would create a presumption that any employee who works in education, healthcare, child care, or is deemed essential who contracts COVID-19 did so in the course of employment. COVID-19 is a highly contagious respiratory virus that can be contracted anywhere at any time, even while adhering to proper CDC guidelines. To assume that an employee contracted the virus at work simply based on their job description is a matter of bad public policy. The safety of our employees is and has been our utmost concern since this pandemic started. We follow and enforce all recommended safety guidelines while on the job site; however, we have no way to enforce those said guidelines when our employees are not working. Contact tracing is not always successful, so putting the onus on the employer to prove the employee did not contract COVID-19 at work is extremely burdensome, time consuming, and costly. Our business community has suffered immeasurable losses from this virus and we feel strongly that legislation such as this will only continue to hurt us.

We thank you for your time and consideration and ask for a UNFAVORABLE report on SB 813.

Thank you,

Marshall Klinefelter
President
Maryland Asphalt Association