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Date: March 5, 2021
To: Members of the Senate Finance Committee
From: Holly Porter, Executive Director
Re: SB 813 – Worker’s Compensation – Occupational Disease Presumptions – COVID-19 - OPPOSE

Delmarva Chicken Association (formerly Delmarva Poultry Industry, Inc.), the 1,600-member trade association representing the meat-chicken growers, processing companies and allied business members on the Eastern Shore of Maryland, the Eastern Shore of Virginia, and Delaware opposes SB 813 and asks for an unfavorable committee report.

SB 813 would provide that essential employees who are suffering from COVID-19 effects are presumed to have gotten the virus due to employment and would be entitled to worker’s compensation.

From the onset of this pandemic, our chicken community has prioritized employee safety to the fullest extent, while still providing food for our tables. Each change in guidance from the Center for Disease Control was adapted and millions of dollars has been spent in PPE, sick leave, new ventilation systems, additional hand sanitation and more.

Throughout this pandemic county and state health officials have often had difficulties determining where the virus has come from – the community or the workplace? As a matter of fact, the vast majority of contact tracing over the fall and winter has indicated that most COVID cases have been due to small gatherings. While the numbers of cases in the community around us were rising, the numbers of cases within our chicken processing plants were decreasing.

There are many essential employees within our chicken community who have very little contact with other co-workers or the public. They may work in fields, alone in equipment or work on the farm. Their risks of being exposed at work are low. However, if they contracted COVID-19 from a family gathering they attended, they would automatically be qualified for worker’s compensation?

As the vaccine continues to be more available to essential employees, will employees who refuse the vaccine still be entitled to worker’s compensation if they should contract the virus, again with no indication that it came from the workplace itself?

The original intent of this bill seemed to specifically address first responders, police and health care employees. By adding additional definitions under Section F – line 24, this bill expands that scope and greatly expands the economic impact this will have on businesses – both small and large.

We urge **an unfavorable** committee report on SB 813.

Should you have any additional questions, please feel free to contact me at porter@dcachicken.com or 302-222-4069 or Nick Manis, Manis Canning & Associates, 410-263-7882.