
MARYLAND DEPARTMENT OF LABOR TESTIMONY ON SENATE BILL 804

TO: Senate Finance Committee
FROM: Department of Labor
DATE: 03/09/2026
BILL: SB804 Labor and Employment - Occupational Safety and Health -
Revisions to Heat Stress Standards

MD LABOR POSITION: INFORMATIONAL

The Maryland Department of Labor respectfully submits this Letter of Information regarding Senate Bill 804 and its fiscal and operational implications.

The Division of Labor and Industry includes Maryland Occupational Safety and Health (“MOSH”), the program that protects health and safety for Maryland workers in private and public sector establishments across the state.

Senate Bill 804 seeks to codify specific heat illness prevention standards into state law, which would supersede existing regulations at COMAR 09.12.32 that went into effect on September 30, 2024. The regulatory process for those standards involved extensive stakeholder input and approval by the MOSH Advisory Board.

The proposed bill grants employers broad discretion to determine their own rest schedules rather than following minimum standards. The minimums adopted in the current rule – at least 10 minutes of rest every 2 hours worked when the Heat index surpasses 90 and at least 15 minutes for every hour worked when the heat index is greater than 100 – are aimed at preventing illness by ensuring workers can regularly cool down before they experience symptoms. By expanding employer discretion in the bill, rest breaks are likely to become more reactive rather than proactive, and heat stress will be less effectively managed or prevented. Further, eliminating the default minimum standards means that violations are found only when an employer fails to follow its own schedule – rather than when an employer breaches an objective benchmark.

Existing regulations require an acclimatization period of up to 14 days for newly exposed employees, and close monitoring during that period for heat-related illness. The proposed bill grants employers discretion to set the acclimatization period. Without these mandatory safeguards, newly exposed workers face a heightened risk of heat-related illness during the critical period when their bodies have not yet adjusted to high temperatures. Further, the bill excludes protection for “temporary and unanticipated heat conditions” without time limits or maximum temperature

thresholds. This provision could leave unacclimated workers, who are more vulnerable to heat illness, without adequate safeguards.

In addition, the proposed bill introduces significant shifts in how heat safety is enforced. For example, the bill moves from the "heat index"—which accounts for humidity—to "ambient temperature" as the primary trigger for protections. In Maryland's humid climate, this change narrows the scope of coverage and leaves many workers exposed to dangerous conditions without concrete safeguards.

From an operational standpoint, this legislation would require the Department to rewrite, repromulgate, and retrain staff on a new regulatory framework that shifts away from several current safety benchmarks by the implementation date of October 1, 2026. Additionally, MOSH would need to rewrite all existing guidance and materials for employers and workers, and hold new training seminars for the regulated community.

The Department respectfully asks the Committee to consider this information, and is available to provide additional information or technical assistance as the Committee considers this legislation.

For questions, please contact Andrew Fulginiti at Andrew.Fulginiti@maryland.gov