

SB 804 –Labor and Employment  
Occupational Safety and Health- Revisions to Heat Stress Standards  
Finance Committee  
March 11, 2026  
UNFAVORABLE

Chair Beidle, Vice Chair Hayes, members of the committee, I urge you to issue an unfavorable report on Senate Bill 804. Senate Bill 804 will endanger Maryland workers by undermining the common sense heat stress standard that Maryland issued 1 ½ years ago. The current MOSH heat stress standard is based on scientific evidence of proven means of preventing heat related illness and death at work. There is ample data to show that the standard is feasible, protective and necessary. Further, the standard went through a long comment period and many public hearings before being finalized --the standard is based on the comments received from a wide variety of individuals and organizations in Maryland.

I am Debbie Berkowitz, a long time Marylander and the former Chief of Staff and Senior Policy Advisor at the Occupational Safety and Health Administration, a former Director of Safety and Health for the United Food and Commercial workers Union and the former Safety and Health Program Director at the National Employment Law Project. I am currently a fellow affiliated with the Kalmanovitz Initiative for Labor and the Working Poor at Georgetown University. I am a policy expert on worker safety, having spent over 30 years in the field of worker safety and health protecting workers on the job from work related injury, illness and death. While at OSHA, I helped lead their outreach efforts to protect workers from dangerous heat levels.

According to the Bureau of Labor Statistics, from 1992 through 2022, exposure to excessive environmental heat killed 1,042 U.S. workers with an average of 34 fatalities per year during that period. That number has been increasing every year. Between 2011-2022, BLS reports 479 worker deaths. During the last three years for which BLS reports data (2020-2022) there was an average of 45 work related deaths due to exposure to heat at work per year. New research demonstrates that the number of worker heat related injuries and illnesses has been vastly undercounted. Further, [researchers at UCLA](#) have shown that hot weather significantly increases not only the risk of heat stress and heat stroke on the job, but also increases the risk of other serious work related injuries. Injuries such as falling off a ladder or being hit by a moving truck or getting a hand caught in a machine tend to occur more frequently on hotter days.

These heat related deaths, illnesses and injuries can be prevented with the common sense and scientifically proven measures required by the MOSH heat stress standard.

Temperatures in the United States have been rising. The last few summers have been the hottest summers on record [since 1880 for](#) the contiguous United States-- and the data is clear that each summer temperatures get hotter and will continue to break records. The heat is getting worse not just in other states, but right here in Maryland. Just last June, a weather station in Baltimore's Inner Harbor registered an incredible 104 °F (40 °C), missing the city's

record, which was set in 2012, [by a single degree](#). Just recently, [Baltimore](#), experienced its hottest year on record in 150 years. Temperatures of this kind are a hazard to workers and basic common sense measures can protect workers from heat related illness and death.

The Maryland heat stress standard is based on the common sense protective measures adopted by other state OSHA agencies, such as Oregon and California, measures known to be effective and feasible. Every provision in the MD Heat Stress standard is necessary to protect workers and based on tried and true measures that are feasible for employers to implement.

The Senate Bill 804 will dangerously weaken and gut these necessary worker protections from high heat that were issued over 1 ½ years ago after a long process of public hearings and comment. Stuningly, the bill would water down the requirement to acclimate works to high heat, for example. Yet studies and data are clear that almost one half of worker deaths from heat on the job occur during their first day on the job, and over 70% of worker deaths from heat occur during the first week on the job. That is why ‘acclimatizing’ workers to high heat levels is one of the most important protections for workers. The current MOSH requirement for acclimatization will save lives – and stripping specifics in the requirement and weakening it will only lead to more death and illness.

Senate Bill 804 also creates a major loophole in the law that would eliminate any requirement to protect workers for “temporary or unanticipated heat conditions” which is an incredibly dangerous provision for workers. So many workers die or get sick during heat waves and other temporary extreme heat events. Employers must always have protections ready to be put in place for workers. One example from Maryland is a stark reminder of why this bill must be rejected. On August 2<sup>nd</sup>, 2024, Ron Silver II, 36 years old, a sanitation worker died from heat stress on the job driving a truck to pick up trash/recycling in Baltimore, MD. He worked the trash and recycling route, hauling tons of trash while traveling about the city. On the day he died, Baltimore City had issued a Code Red heat advisory, meaning temperatures were at or expected to be 105 degrees. The Department of Public Works hired a law firm to investigate this death. Despite the known heat risk to its employees, the investigation found the following: **“DPW did not in fact have in place a comprehensive heat illness prevention program as of August 2024.”** The investigation found **“a lack of standards and procedures for assessing working conditions on days of extreme weather and adjusting operations to ensure safe working conditions.** If the MOSH standard had been in effect that day—he would be alive today. But now Senate Bill 804 would weaken the specific preventative measures in the MOSH standard.

Senate Bill 804 also weakens the requirement for one of the most important protections in the MOSH standard –a minimum requirement for rest breaks when the heat index is above 90 and 100 degrees. The science is clear that rest breaks are key to preventing work related illness and death when temperatures are extreme. Further the current rule is very flexible in that it permits an alternative to the break schedule at these incredible high temperatures if effectiveness of an alternative means is demonstrable.

This Bill also dilutes and delays the important requirement for retraining of employees and supervisors following a heat related illness or death at the worksite. Training is critical to prevent further illness and death. A review of the early signs of heat stress and required preventative measures right after a heat incident goes a long way to preventing the next incident.

And the bill weakens the key triggers of the bill, eliminating the use of the heat index which accounts for Maryland's humid climate. Every employer in the state should be using this index to protect workers. Changing this provision will undoubtedly further endanger workers.

Over the last few years I have been involved in a program training restaurant workers on protecting themselves from work related illness and injuries. Heat on the job is consistently the number one concern workers have raised. The workers welcomed the protections in the MOSH heat stress standard—and let us know all were feasible and protective.

Stripping and weakening the protections provided to workers in the MOSH heat stress standard will endanger workers. **I strongly urge this committee to issue an unfavorable report on SB 804.**