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Patrick Moran – President

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**SB 804 – Labor and Employment – Occupational Safety and Health  
– Revisions to Heat Stress Standard  
Finance Committee  
March 11, 2026**

**UNFAVORABLE**

AFSCME Maryland Council 3 opposes Senate Bill 804. Senate Bill 804 seeks to amend Maryland’s heat stress standard which took effect September 30, 2024. Maryland is the first state on the east coast with an indoor and outdoor heat stress standard to protect workers from heat illness and injury. Heat stress is a significant risk to workers. From 1992 – 2022, an estimated 1,042 U.S. worker deaths occurred due to occupational exposure to environmental heat.<sup>1</sup> Approximately 34,000 heat related work injuries and illnesses occurred from 2011-2020, which involved days away from work due to the heat injury or illness.<sup>2</sup>

Shortly before Maryland’s heat stress standard took effect, AFSCME Local 44 member, Ronald Silver II, lost his life on the job while working in excessive heat conditions.<sup>3</sup> The Maryland Occupational Safety and Health administration (MOSH) issued a serious citation against the Baltimore Department of Public Works but no fine was levied against the employer.<sup>4</sup> MOSH found a violation of the General Duty Clause by the employer, specifically, MOSH reported that on the day Mr. Silver lost his life, “. . . employees were working in direct sunlight where the calculated Heat Index (HI) reached approximately 108.6 F (42.6 C), conditions that can cause heat related injuries or illnesses such as muscle cramps, rashes, heat exhaustion, heat stroke, and death.”<sup>5</sup> Maryland must maintain an effective heat stress standard to protect workers from injury, illness, or death that may be caused by heat stress.

AFSCME Council 3 is concerned by the proposed revisions to the heat stress standard in Senate Bill 804. Under SB 804, the threshold for heat illness protections would no longer be triggered by a measurement of the heat index, but rather the ambient air temperature. The requirements of Maryland’s heat stress standard are triggered when the heat index reaches 80 degrees Fahrenheit, and additional

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<sup>1</sup> *Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings*, 89 Fed. Reg. 70698, 70702 (proposed August 30, 2024) (to be codified at 29 C.F.R. pt. 1910, 1915, 1917, 1918, 1926, and 1928), <https://www.govinfo.gov/content/pkg/FR-2024-08-30/pdf/2024-14824.pdf>.

<sup>2</sup> *Id.*

<sup>3</sup> Emily Hofstaedter, *Baltimore DPW receives ‘serious’ violation from labor department but no fines after worker death*, WYPR, March 10, 2025, <https://www.wypr.org/wypr-news/2025-03-10/baltimore-dpw-receives-serious-violation-from-labor-department-but-no-fines-after-worker-death>.

<sup>4</sup> Maryland Department of Labor, *Citation and Notification of Penalty Case No. D6065-019-24*, issued March 7, 2025, [https://content.govdelivery.com/attachments/MDBALT/2025/03/07/file\\_attachments/3187345/Citation%20-%20Dept.%20of%20Public%20Works.pdf](https://content.govdelivery.com/attachments/MDBALT/2025/03/07/file_attachments/3187345/Citation%20-%20Dept.%20of%20Public%20Works.pdf).

<sup>5</sup> *Id.* at 5.

protective measures are required when a worker is exposed to a 90- and 100-degree heat index.<sup>6</sup> Utilizing heat index as a threshold for heat stress protections is important, as the heat index takes into account relative humidity and ambient air temperature. Humidity is an important factor to consider because high relative humidity makes it difficult for the body to cool itself through sweating.<sup>7</sup> The National Institute of Occupational Safety and Health (NIOSH) and federal OSHA recognize that a more accurate measurement for worksite heat would be the use of the Wet Bulb Globe Temperature,<sup>8</sup> however, heat index is more accessible and easily understood for the public, and thus, it was seen as a compromise to use heat index rather than WBGT.

Additional concerns with SB 804 include: a) alterations for required rest breaks; b) enabling an employer to set the acclimatization period; c) changing heat stress retraining requirements in the event of a worksite incident following heat-related illness; and d) altering exemptions for temporary and unanticipated heat conditions.

Maryland made significant progress to protect workers from heat stress exposure by promulgating the first indoor and outdoor heat stress standard on the east coast. This effort was the culmination of years of advocacy by workers' unions to establish a standard that would provide crucial protection for workers who are exposed to high heat. The current standard has only been in effect for less than two years. Our union urges employers to seek educational and consultative services from MOSH to obtain assistance with compliance with the standard, rather than pursuing a path of weakening the standard for workers. AFSCME Council 3 urges the committee to maintain the current heat stress standard.

**We respectfully urge the committee to issue an unfavorable report on SB 804.**

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<sup>6</sup> See, COMAR 09.12.32.02(A); COMAR 09.12.32.08.

<sup>7</sup> Occupational Safety and Health Administration, *Prevention Heat Hazard Recognition*, U.S. Dep't of Labor, <https://www.osha.gov/heat-exposure/hazards> (last visited March 9, 2026).

<sup>8</sup> *Id.*

