

SB804 - Support - Maryland Motor Truck Association

Uploaded by: Louis Campion

Position: FAV



HEARING DATE: March 11, 2026

BILL NO/TITLE: SB804: Labor and Employment - Occupational Safety and Health - Revisions to Heat Stress Standards

COMMITTEE: Senate Finance Committee

POSITION: Support

Maryland Motor Truck Association offers its wholehearted support for SB804 with the amendments being offered by the sponsor.

While the Association appreciates the Department of Labor's efforts to protect employees from heat stress and heat-related illness, MMTA believes the regulations adopted in September 2024 are overly prescriptive and force a one-size-fits-all solution on various industries without considering the need for flexibility based on different work environments. That flexibility is needed for our members as the trucking industry includes construction, package delivery, trash trucks, farming, household goods moving/storage, cross-dock warehousing and distribution, vehicle maintenance and repair, and much more. The industry a broad spectrum of white-collar and blue-collar workers, such as drivers, laborers, mechanics, safety personnel, transportation managers, and more. Some employees work indoors while others spend the bulk of their day outdoors, depending on industry sector and job type.

In no way does the passage of SB804 remove a business' responsibility to protect workers from heat stress. Reputable employers want to ensure their workers are protected; however, it does give the employers flexibility to consider their industries, the workload, and the working environment as they develop their plans, set rest breaks, and take other actions to protect their employees.

Employers must still develop heat illness prevention plans. Those plans must include how they will manage heat acclimatization for newly exposed employees, but it removes the rigid mandate of a 5-14 day period with a maximum 20% increase in workload daily. SB804 still requires that businesses develop high-heat procedures that include work and rest schedules to protect employees, but does not spell out the exact length and frequency of the rest break. Employers still have to provide the same amount of water at no cost, provide access to shade or air conditioning, and develop a written emergency response plan. But the regulations drafted seem to be based on the premise that employers are unwilling or uninterested in protecting their employees and managing their heat risk. What resulted was the most rigid set of regulations in the country.

The passage of SB804 will protect workers who are exposed to high heat and keep them safe, but without paralyzing the businesses that employ them. For the reasons noted above, MMTA urges a favorable report with the amendments offered by the sponsor.

About Maryland Motor Truck Association: Maryland Motor Truck Association is a non-profit trade association that has represented the trucking industry since 1935. In service to its 900 members, MMTA is committed to support, advocate and educate for a safe, efficient and profitable trucking industry in Maryland.

For further information, contact: Louis Campion, (c) 443-623-5663

SB804 Testimony.pdf

Uploaded by: Pamela Beidle

Position: FAV

PAMELA G. BEIDLE
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Chair, Finance Committee

Executive Nominations Committee

Joint Committee on Gaming Oversight

Joint Committee on Management
of Public Funds

Spending Affordability Committee

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

March 11, 2026

SB 804
Labor and Employment – Occupational Safety and Health
Revisions to Heat Stress Standards

Good afternoon Vice Chair Hayes and Members of the Finance Committee;

Thank you for the opportunity to present SB 804, Labor and Employment – Occupational Safety and Health, Revisions to Heat Stress Standards.

In 2020, the General Assembly passed House Bill 722. The legislation directed the Commissioner of Labor to develop and adopt regulations to require employers to protect employees from heat-related illness caused by heat stress. They held hearings around the state, considered standards created by the National Institute for Occupational Safety and Health, the American Conference of Governmental Industrial Hygienists, and the American National Standards Institute.

The Department of Labor created some of the most restrictive regulations on businesses in the country. When the regulations went into effect, I heard from many businesses that the regulations were paralyzing them. I do not believe that was the legislature's intent when the bill was passed in 2020. Last year, I gathered representatives from several different industries and the Department of Labor together, the discussion was lively. We hoped to encourage the agency to review and consider modifications to the regulations, however no modifications have been made, so Senate Bill 804 was introduced.

Several states, like California, have heat protection rules in place, much of the language proposed in SB 804 models these states. SB 804 requires businesses to create plans protecting their employees with flexibility in how those plans are implemented based on their operations as opposed to the one size fits all mandate on dramatically different industries.

Senate Bill 804 ensures workers are protected by requiring:

- Employers to develop heat illness prevention plans.
- Employers to develop a heat acclimatization schedule for newly exposed employees.
- Employers to provide shade or the opportunity to cool off in climate-controlled areas.
- Employers to develop high-heat procedures that include work and rest schedules to protect employees.
- Employers must provide their workers with the exact same amount of water at no cost as currently required.
- Employers must develop a written emergency response plan as currently required.
- Supervisors must undergo initial training, with recurrent training if an employee under the supervisor's direction has a heat related incident, as currently required.

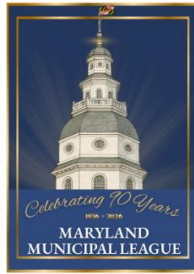
SB 804 gives employers flexibility to consider their industries, the workload, and the working environment as they develop their heat stress plans, set rest breaks, and take other actions to protect their employees.

I respectfully request a "Favorable Report" on Senate Bill 804.

SB 804 - MML - FWA.pdf

Uploaded by: Bill Jorch

Position: FWA



TESTIMONY

COMMITTEE: Senate Finance

DATE: March 11, 2026

POSITION: Favorable with Amendments

BILL: SB 804

The Maryland Municipal League (MML) supports with amendment Senate Bill 804, Labor and Employment - Occupational Safety and Health - Revisions to Heat Stress Standards.

HB 804 addresses several aspects protecting workers in workplace environments with high heat and are generally in line with Maryland Occupational Safety and Health (MOSH) standards. Feedback from our member cities and towns show that safe working conditions are of utmost importance and they have already implemented many of the provisions of the bill as part of the MOSH standards. That being said, there are potential points of confusion where we request amendments to clarify the language.

- 1) Acclimatization plans are typically tailored for the individual employee based on the specific nature of their employment as well as any personal health related concerns. The provisions of the bill regarding their submission to the Commissioner is a bit unclear. Suggested MML amendment clarifies that an Acclimatization plan is only to be submitted to the Commissioner only upon request or after a heat-related incident.
- 2) Annual training of employees is already included in the bill, but a portion of the retraining piece is vague. Retraining is important but mostly for those involved in the heat-related incident, not necessarily all employees.
- 3) Employers should not be restrained from implementing policies that are more beneficial to the employee.

MML understands the intent of the bill and our members are already complying with a number of the provisions. However, the League respectfully requests that the committee consider our amendments and provide Senate Bill 804 with a favorable report.

(AMENDMENT LANGUAGE ON NEXT PAGE)

Municipalities in Maryland support 42,000 jobs and provide \$5.2 billion in employee compensation.

MML Amendments:

- 1) On page 6, in lines 5 and 6
(D) AN EMPLOYER SHALL SUBMIT THE ACCLIMATIZATION PLAN DEVELOPED UNDER SUBSECTION (B)(1) OF THIS SECTION FOR A SPECIFIC EMPLOYEE TO THE COMMISSIONER UPON REQUEST OR FOLLOWING A HEAT STRESS INCIDENT INVOLVING THAT EMPLOYEE.
- 2) On page 10 in lines 10 through 12
(II) ~~IMMEDIATELY~~ WITHIN 15 DAYS FOLLOWING CONFIRMATION BY A MEDICAL PROFESSIONAL THAT ~~ANOTHER~~ AN EMPLOYEE SUFFERED A HEAT-RELATED ILLNESS, LIMITED TO THE AFFECTED EMPLOYEE AND EMPLOYEES DIRECTLY INVOLVED IN THE INCIDENT, IF THE EMPLOYEE:
- 3) On page 11 after line 17
(E) NOTHING IN THIS SUBTITLE SHALL BE CONSTRUED TO RESTRICT AN EMPLOYER FROM ADOPTING POLICIES AND PROCEDURES THAT ARE GREATER THAN THE REQUIREMENTS OF THIS SUBTITLE.

For more information relating to this piece of testimony, please contact:

Bill Jorch: Managing Director, Advocacy and Public Policy, billj@mdmunicipal.org

Heat Stress Standards.pdf

Uploaded by: Eric Aellen

Position: FWA

LINGANORE

W I N E C E L L A R S

Senator Beidle,

Finance Committee,

SB804

One thing people often don't realize about viticulture is just how labor-intensive it is, and how much success depends on timing.

Grapevines don't run on a schedule that's convenient for us. When shoots start growing, we have a narrow window to position them. When the canopy gets thick, we have to open it up so sunlight and airflow can reach the fruit. When disease pressure hits, sprays have to go on immediately. And when grapes reach the right balance of sugar, acidity, and flavor, harvest has to happen right then, sometimes within just a few days.

People do all of that work. Vineyard crews spend long days outdoors in the heat doing physically demanding work that often can't be delayed and can't be mechanized.

We absolutely believe in protecting the safety and health of those workers. They are the backbone of every vineyard operation. But many of the new heat-stress standards are creating a different kind of challenge — not because farmers oppose safety, but because of the amount of documentation and administrative work they require.

Instead of focusing every available hour on the vineyard during critical periods, managers and supervisors are spending more and more time logging temperatures, documenting breaks, tracking worker time, and filling out compliance records.

Agriculture, and especially viticulture, operates in narrow windows of opportunity. When we lose time to paperwork during those windows, the vines don't wait. The work still needs to be done, but now we're doing it with less time and greater pressure.

Farmers want to do the right thing. We want our workers to be safe, we want strong farms, and we want to continue producing high-quality crops.

That's why farmers across the country are supporting a practical solution — an agricultural exemption to the heat-stress standards that recognizes the unique realities of farming while still protecting the people who work in our fields.

Because in agriculture, and especially in viticulture, timing is everything, and the ability to do the right work at the right moment determines the entire vintage.

Thank you,

Eric Aellen

V.P. Linganore Winecellars

SB0804-FIN_MACo_SWA.pdf

Uploaded by: Karrington Anderson

Position: FWA



Senate Bill 804

Labor and Employment - Occupational Safety and Health - Revisions to Heat Stress Standards

MACo Position: **SUPPORT**

To: Finance Committee

WITH AMENDMENTS

Date: March 11, 2026

From: Karrington Anderson

The Maryland Association of Counties (MACo) **SUPPORTS SB 804 WITH AMENDMENTS**. This bill codifies and clarifies requirements governing workplace heat stress protections that were previously adopted through Maryland Occupational Safety and Health regulations. SB 804 requires employers, including counties, to develop heat stress prevention plans, acclimatization plans, high-heat procedures, and emergency response protocols.

Counties strongly support policies that protect the health and safety of public employees. Counties made substantial investments to comply with Maryland's Heat Stress Standards. The bill provides needed and additional statutory direction for heat stress protections. However, several provisions in SB 804 unintentionally create operational challenges without improving worker safety outcomes.

The bill requires employers to submit acclimatization plans to the Commissioner. In practice, acclimatization plans are not standardized documents. Rather, they are individualized and developed through discussions between supervisors and employees when a worker begins or returns to heat-exposed work. These plans account for factors such as the employee's recent work history, physical condition, and the specific work environment. Requiring submission of each acclimatization plan could result in hundreds of routine administrative filings without providing meaningful safety oversight. Counties believe these plans should instead be maintained by the employer and provided upon request or following a heat stress incident.

Additionally, SB 804 requires retraining of all employees immediately following a heat-related illness. The term "immediately" is vague and may create logistical challenges for jurisdictions with dispersed workforces. Counties recommend clarifying this provision to allow retraining within a reasonable timeframe and limiting the requirement to employees directly connected to the incident since all employees will receive annual training as required by this bill.

With these adjustments, SB 804 can reinforce worker protections while maintaining workable implementation for local governments. For these reasons, MACo urges a **FAVORABLE WITH AMENDMENTS** report for SB 804 (*MACo's suggested amendments are on the next page*).

MACo's Amendments to SB 804:

Amendment #1: *Acclimatization plans are individualized and based on specific work conditions. Requiring routine submission would create significant administrative burdens without improving safety outcomes; making plans available upon request preserves oversight while maintaining practical implementation.*

On page 6, in line 6, after "COMMISSIONER" insert "**UPON REQUEST OR FOLLOWING A HEAT STRESS INCIDENT**".

Amendment #2: *The term "immediately" is vague and may be difficult for jurisdictions to implement retraining agency-wide. Limiting retraining to employees directly involved in the incident and providing a reasonable timeframe ensures timely corrective action without disrupting operations, since all employees will receive annual training.*

On page 10, in lines 10 and 11, strike "IMMEDIATELY" and "ANOTHER", respectively, and substitute "**EMPLOYEES DIRECTLY CONNECTED TO THE HEAT STRESS INCIDENT, INCLUDING THE AFFECTED EMPLOYEE AND RELEVANT SUPERVISORS, SHALL BE RETRAINED WITHIN 15 DAYS**" and "**AN**", respectively.

Amendment #3: *This amendment clarifies that employers may implement stronger safety protections if they choose to do so. Counties often adopt enhanced safety practices based on specific work environments, and this language preserves that flexibility.*

On page 11, in line 17, after "REQUEST" insert "**(E) NOTHING IN THIS SUBTITLE SHALL BE CONSTRUED TO PROHIBIT AN EMPLOYER FROM ADOPTING POLICIES AND PROCEDURES THAT ARE GREATER THAN WHAT THIS SUBTITLE REQUIRES.**"

SB804_RestaurantAssoc_Thompson_FWA.pdf

Uploaded by: Melvin Thompson

Position: FWA



Senate Bill 804

Labor and Employment - Occupational Safety and Health - Revisions to Heat Stress Standards

March 11, 2026

Position: **FWA**

Madame Chair and Members of the Senate Finance Committee:

The Restaurant Association of Maryland strongly supports Senate Bill 804 with the proposed amendments, and we sincerely appreciate the bill sponsor's willingness to help establish more workable standards for employers and employees. This legislation's approach to heat stress standards will provide employers with more flexibility than the current COMAR heat stress rules, while also ensuring the necessary safeguards for employees.

In the restaurant/foodservice industry, employers have long managed workers in high-heat environments, and have provided hydration, and cooling periods/rest breaks as necessary to balance worker needs with operational realities.

Working in commercial kitchens inherently exposes workers to high-heat environments. Depending on the type of restaurant, cooking equipment used, and the intensity and duration of equipment use, heat levels in work areas can be high and can also fluctuate.

For many employers in our industry, Maryland's current heat stress regulations are too prescriptive and do not provide enough flexibility for employers, particularly with regard to work/rest schedules and acclimatization. And the employee training requirements under the current regulations are unreasonable for high-turnover industries like ours.

Overall, Senate Bill 804 with the proposed amendments will be far more workable for our industry and many other employers.

For these reasons, we respectfully request a favorable report for Senate Bill 804 with the proposed amendments.

Sincerely,

A handwritten signature in black ink, reading "Melvin R. Thompson".

Melvin R. Thompson
Senior Vice President
Government Affairs and Public Policy

SB804_MDAGC_FWA

Uploaded by: Steve Wise

Position: FWA



TO: The Honorable Pamela Beidle, Chair
Members, Senate Finance Committee

FROM: J. Steven Wise

DATE: March 11, 2026

RE: **SUPPORT WITH AMENDMENT** – Senate Bill 804 – *Labor and Employment – Occupational Safety and Health – Revisions to Heat Stress Standards*

The Maryland Chapter of the Associated General Contractors of America (MDAGC) provides professional education, business development, and advocacy for commercial construction and highway companies and vendors, regardless of labor policy. AGC of America is the nation's largest and oldest trade association for the construction industry. MDAGC supports Senate Bill 804 with amendments.

This legislation addresses concerns related to the Heat Stress Standards recently adopted by the Maryland Department of Labor. With the amendments that have been put forth by various industry groups, MDAGC supports this legislation.

The amendments achieve several objectives but still preserve the intent of the regulations, which is ensuring that workers are protected. For example, the heat illness prevention plan required of employers must include specific procedures for how employees will be provided with sufficient rest and shade to cool off, for managing high heat conditions, and an emergency response plan, but they are not overly prescriptive like the regulations. This follows the California statute.

Other improvements allow the employer to provide drinking water within a reasonable distance of the work area rather than "as close as practicable." The bill also shifts the training requirements to apply to supervisors rather than employees since the former are in control of the work environment. How supervisors will make employees aware of the dangers will be part of the heat illness prevention plan.

Again, the MDAGC supports Senate Bill 804 with these amendments, which will improve the workability of the heat stress standards currently in place without undermining their purpose.

MDFB - Support with Amendments - SB804 Labor and E

Uploaded by: Tyler Hough

Position: FWA



Maryland Farm Bureau

3358 Davidsonville Road | Davidsonville, MD 21035
410-922-3426 | www.mdfarmbureau.com

March 11, 2026

To: Senate Finance Committee

From: Maryland Farm Bureau, Inc.

RE: Support with Amendment SB804 Labor and Employment - Occupational Safety and Health - Revisions to Heat Stress Standards

On behalf of the over 7,000 member families of the Maryland Farm Bureau, I submit written testimony of support with amendments to SB804 Labor and Employment - Occupational Safety and Health - Revisions to Heat Stress Standards. SB 804 establishes extensive new requirements for employers whose workers are exposed to temperatures of at least 80 degrees Fahrenheit, including developing written heat illness prevention plans, providing shade and water, implementing acclimatization protocols, monitoring workplace temperatures, establishing high-heat procedures beginning at 90 degrees Fahrenheit, and expanding employee training obligations. These provisions apply broadly to indoor and outdoor workplaces unless a listed exemption applies. While the Farm Bureau supports reasonable measures to protect workers from heat-related illness, the bill's framework as drafted would impose substantial and unintended burdens on Maryland's agricultural sector, which already operates within existing federal and state safety standards and faces unique environmental and economic conditions.

Agricultural work is inherently tied to seasonal weather patterns and requires operational flexibility to meet crop, livestock, and harvest needs. Many of the bill's requirements, including mandatory acclimatization plans, prescribed shaded rest areas, temperature monitoring methods, high-heat procedure mandates, and written documentation obligations are structured in a way that aligns more closely with fixed industrial or construction settings than with agricultural environments. For example, the bill requires employers to monitor temperatures throughout the work shift, provide specific shaded areas meeting detailed structural criteria, and implement written high-heat response procedures whenever temperatures reach at least 90 degrees. Such prescriptive standards do not account for the diversity of Maryland farms, many of which are small, family-run operations without the physical infrastructure or staff capacity to meet these highly technical compliance obligations.

For these reasons, the Maryland Farm Bureau respectfully requests an amendment to **exempt agricultural workers from the requirements of SB 804**. This amendment would preserve the bill's purpose while avoiding duplicative, impractical, and economically challenging mandates on Maryland farms that already comply with federal OSHA guidelines and continuously adapt to their working environments. An agricultural exemption would align SB 804 with the reality that agricultural work is not only distinct in nature but also already governed by long-standing practices, safety protocols, and environmental variability that cannot be easily codified into the



Maryland Farm Bureau

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standardized regulatory structure proposed in the bill. Providing this exemption ensures that Maryland agriculture remains viable while still allowing the state to strengthen protections for workers in industries for which the bill's framework is better suited.

With the inclusion of an agricultural exemption amendment, the Maryland Farm Bureau would be pleased to support SB 804. We urge the committee to adopt the requested amendment and issue a favorable report on SB 804 with amendments.

A handwritten signature in black ink, appearing to read "Tyler Hough". The signature is written in a cursive style with a long horizontal line extending from the top of the first letter.

Tyler Hough
Director of Government Relations

Please contact Tyler Hough, though@marylandfb.org, with any questions

SB 804 - Labor and Employment - Occupational Safet

Uploaded by: Brian Wivell

Position: UNF

Amalgamated Transit Union Local 1300

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www.atu1300.org

Proudly representing the transit workers of the MTA!



SB 804 - Labor and Employment - Occupational Safety and Health - Revisions to Heat Stress Standards Unfavorable

Senate Finance Committee
March 11th, 2026

ATU Local 1300 represents over 3,000 transit workers at the Maryland Transit Administration (MTA). This includes bus operators, bus mechanics, rail operators, rail maintenance workers, and more. Our members keep Maryland moving every day.

The bill weakens the heat stress standards designed to protect workers put forward by the Maryland Occupational Safety and Health (MOSH) division. The bill removes critical rest periods required by MOSH standards when the heat index reaches 90 or 100. It also removes the requirement for acclimatization periods. It does not account for Maryland's humid climate, by ignoring the impact that humidity has on safety. This is done by changing the way temperature is measured in the legislation. These requirements put forward by MOSH were not invented from the imaginations of workers seeking to avoid work. They were evidence based protections to keep workers safe and alive.

We urge the committee to issue an unfavorable report and allow the heat stress standards that MOSH drafted to move forward.

SB 804 AFSCME Council 3 Testimony_UNF.pdf

Uploaded by: Christian Gobel

Position: UNF



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Baltimore, MD 21230
Phone: 410-547-1515
Email: info@afscmemd.org

Patrick Moran – President

**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.¹ 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.²

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.³ 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.⁴ 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."⁵ 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

¹ *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>.

² *Id.*

³ 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>.

⁴ 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.

⁵ *Id.* at 5.

protective measures are required when a worker is exposed to a 90- and 100-degree heat index.⁶ 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.⁷ 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,⁸ 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.

⁶ See, COMAR 09.12.32.02(A); COMAR 09.12.32.08.

⁷ 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).

⁸ *Id.*



SEIU Local 500 - Testimony in Opposition of SB 804

Uploaded by: Christopher Cano

Position: UNF



Testimony - SB 804, Labor and Employment - Occupational Safety and Health -
Revisions to Heat Stress Standards

Unfavorable

Senate Finance Committee

March 11, 2026

Christopher C. Cano, MPA

Director of Political & Legislative Affairs on Behalf of SEIU Local 500

Honorable Chairwoman Beidle & Members of the Senate Finance Committee:

SEIU Local 500 represents school employees, childcare providers, higher education workers, and public service employees across Maryland. Many of our members work in environments where heat exposure is a real and growing concern—such as school maintenance staff, custodial workers, grounds crews, and other essential support staff who keep our public institutions running. Protecting workers from dangerous heat conditions is critical, especially as climate change increases the frequency of extreme heat events.

Maryland recently implemented strong heat stress protections through the Maryland Occupational Safety and Health (MOSH) Heat Stress Standards, which took effect in September 2024. These standards were developed through extensive stakeholder engagement and are based on well-established scientific guidance. They provide clear, enforceable safeguards to prevent heat-related illness and injury in the workplace.

Unfortunately, Senate Bill 804 would weaken these protections in several important ways.

First, the bill removes clear minimum rest break requirements that currently protect workers during high heat conditions. Under the existing MOSH standard, workers must receive at least 10 minutes of rest every two hours when the heat index exceeds 90 degrees and 15 minutes every hour when it exceeds 100 degrees, unless an employer demonstrates equivalent protection through other measures.

SB 804 eliminates these minimum requirements and instead allows employers to determine their own rest schedules without any baseline standard.

Without enforceable minimums, rest breaks become discretionary and reactive rather than proactive, increasing the risk of heat illness.

Second, the bill replaces the heat index standard currently used by MOSH with a measurement based only on temperature. The heat index accounts for both temperature and humidity, which is particularly important in Maryland's humid climate. By relying only on temperature, SB 804 would narrow when protections apply and expose workers to dangerous conditions even when the heat index indicates significant risk.

Third, SB 804 weakens acclimatization protections for workers newly exposed to heat. The current MOSH standard requires a monitored acclimatization period of up to 14 days for workers returning to hot environments. This is critical because the majority of heat-related deaths occur during a worker's first week of exposure.

The bill instead gives employers broad discretion to determine acclimatization schedules and removes required monitoring during this high-risk period.

Finally, the bill introduces new exemptions for "temporary and unanticipated heat conditions," such as equipment failure or emergencies. These exemptions could leave workers unprotected in precisely the situations where they may be least prepared for extreme heat exposure.

Maryland took an important step forward in 2024 by adopting strong heat stress protections that reflect scientific guidance and best practices. Rather than weakening these standards before they have had sufficient time to be evaluated, the State should allow them to remain in place and ensure they are properly implemented and enforced.

For these reasons, SEIU Local 500 respectfully urges the Committee to give Senate Bill 804 an unfavorable report.

Thank you for your time and consideration.

SB 804 Debbie Berkowitz_UNF.pdf

Uploaded by: Debbie Berkowitz

Position: UNF

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 workers 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 2nd, 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.**

SB804_OPP(1).pdf

Uploaded by: Elizabeth Bobo

Position: UNF



MARYLAND STATE & D.C. AFL-CIO

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SB 804 - Labor and Employment - Occupational Safety and Health - Revisions to Heat Stress Standards

Senate Finance Committee

March 11, 2026

OPPOSE

Elizabeth Bobo

Legislative Director

Madame Chair and members of the Committee, thank you for the opportunity to submit testimony in opposition to SB 804.

Maryland has already recognized the importance of protecting workers from heat-related illnesses. In 2020, the General Assembly passed HB 722, directing the Commissioner of Labor and Industry to develop comprehensive heat-stress regulations. Those regulations took effect in 2024, and we saw significant improvements in worker safety over the past summer as MOSH began implementing and enforcing them. SB 804 does not build on that progress, rather it undercuts it.

The issue of heat stress is urgent. In recent years, Maryland has experienced record-breaking temperatures, often exceeding 100 degrees Fahrenheit, with heat waves lasting longer and arriving earlier in the season. Workers in both indoor and outdoors environments are facing dangerously rising heat conditions. Comprehensive, adaptable heat-stress standards are essential to preventing heat exhaustion, heat stroke, and other life-threatening conditions.

Under the current MOSH standards, employers are required to maintain a written heat-related illness prevention and management plan; provide acclimatization periods, ensure access to drinking water and shade; implement rest breaks; adopt high-heat procedures when temperatures reach 90 or 100 degrees; maintain emergency response plans; and provide comprehensive training for employees and supervisors. SB 804 severely weakens these standards by replacing a regulatory framework with checklists that are less protective and not based on best practices.

This legislation undermines safety and protections for workers by: altering the threshold for heat illness protections by using dry bulb temperature instead of heat index; allowing the



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employer to set the acclimatization period with no required monitoring; providing the employer discretion to determine the rest schedule without minimum requirements; creating an exemption from heat protections for “temporary and unanticipated heat conditions; and altering heat stress retraining requirements following an incident at the worksite. Each of these changes moves Maryland backwards at a time when rising temperatures demand stronger protections.

For these reasons, we urge an unfavorable vote on SB 804.



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SB 804 AFSCME International Union Safety and Health

Uploaded by: Ellie Barbarash

Position: UNF



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Olympia, WA

March 11, 2026

SB 804 – Labor and Employment – Occupational Safety and Health –
Revisions to Heat Stress Standards
Finance Committee
UNFAVORABLE

Chair Beidle, Vice Chair Hayes, members of the committee,

My name is Ellie Barbarash, and I serve as Senior Health and Safety Advocate for the American Federation of State, County and Municipal Employees (AFSCME). AFSCME's 1.4 million members provide the vital services that make America happen. With members in hundreds of different occupations — from nurses to corrections officers, child care providers to sanitation workers — AFSCME advocates for fairness in the workplace, excellence in public services and prosperity and opportunity for all working families. AFSCME strongly opposes Maryland Senate Bill 804, written to revise and weaken the 2024 Maryland Heat Stress Standard, Title 09, Subtitle 12, Chapter 32.

On August 2, 2024, our union brother Ronald Silver II suffered a protracted, hideous, preventable death on the job from heat stroke while employed by the Baltimore Department of Public Works. Silver was 36 years old, a beloved co-worker, husband and father to five young children. He died of heat exposure after his employer had not provided training, water, access to cooling, scheduled breaks and emergency medical care to sanitation workers while the heat index in Baltimore climbed over 100°F for days. The 2024 Maryland Heat Stress Standard, Title 09, Subtitle 12, Chapter 32 was collaboratively developed by Labor and Industry, MOSH/ Maryland Occupational Safety and Health, AFSCME, unions and public employers to prevent similar fatalities in the future.

SB 804 omits key heat stress protection as established by NIOSH, OSHA, CDC, NOAA and ANSI. SB 804 will not effectively protect workers from heat injury. Its proposals are not backed by science or data. What follows is a list of programmatic shortfalls in SB 804 and a list of relevant resources for effective heat injury and illness prevention. Resources include Maryland specific requirements for relative humidity measurements and heat index calculations in assessment of occupational heat injury risk. Most significantly, SB 804:

- Omits relative humidity and heat index from risk assessments of occupational heat exposure.
- Omits practical and specific requirements for rest breaks and rest/work scheduling during times of occupational heat exposure.
- Omits effective and thorough assessments of and scheduling for new employee's acclimatization needs.

American Federation of State, County and Municipal Employees, AFL-CIO

- Omits defining what '*alternative cooling and control methods*' are, while allowing employers to use undefined *alternative cooling and control methods* to replace scheduled rest breaks or access to shade.
- Omits high-heat procedures for employees working in temperatures over 90°F, ignoring relative humidity, radiant heat and heat index monitoring.
- Omits specifying MOSH, employee representatives and unions as mandatory recipients of employer heat injury and illness prevention plans, acclimatization plans and training records upon request.
- Language is ambiguous and self-referential, making it difficult to understand exactly what SB 804 requires employer to do to protect workers from heat injury and illness.
- Ambiguous, unclear and undefined employer responsibilities will make the revised heat standard unenforceable, thereby stripping effective heat injury protection from Maryland workers.

AFSCME strongly opposes SB 804. We continue to support MD Chapter 32 Heat Stress Standards, which were collaboratively developed after the fatality of AFSCME Council 3, Local 44 member Ronald Silver II. We look forward to continuing collaboration with MOSH, the Commissioner and the State to protect the health and safety of AFSCME members and Maryland's workforce.

Sincerely,

Ellie Barbarash, MS, CPEA, #HS-413
Certified Professional Environmental
Auditor, Health and Safety
AFSCME, AFL-CIO
Senior Health and Safety Advocate

Chronological list of safety and health shortfalls in SB 804:

- 5-1201 (a)(2)(D): References to temperature and heat thresholds used to assess employee risk of heat injury and illness are inadequate because they omit relative humidity (RH). Temperature in SB 804 is defined as “Dry bulb temperature in F obtainable by using a thermometer to measure the outside temperature in an area where there is no shade.” Using this foundational definition omits environmental impact of RH upon the thermal load of the human body in high heat conditions. SB 804 omits accounting for local daily readings from the National Weather Service of the heat index to assess heat risk. According to OSHA, CDC, NIOSH and ANSI, RH must be taken into account when assessing and monitoring environmental heat hazards.
- 5-1202 (B) (4) (I-II): Acclimatization language in this section is vague and potentially exempts employers from responsibility to protect workers from heat related illness hazards. It states that for employees who are not regularly exposed to heat conditions exceeding the threshold of 80°F, where the employer “*takes reasonable steps to abate the heat exposure as soon as practicable,*” then the subtitle does not apply — the employer does not have to follow the program outlined in SB 804.
 - The definition of “*reasonable steps to abate heat exposure as soon as practicable*” are not defined. “*Reasonable steps*” are subjective and can neither be measured nor implemented against a known standard or recommendation.
 - Employees who are not regularly exposed to such heat conditions are, by definition, not yet acclimatized to heat exposure. They are vulnerable to heat illness and injury without a clear and implementable acclimatization schedule in place.
 - 5-1203 (C) (2): SB 804 requires that the employer’s Heat Emergency Response Plan be provided to employees and the Commissioner upon request. This should specify that MOSH, employee representatives and unions also receive plans upon request.
- 5-1204 (A) (2): SB 804 states, “*For the purposes of this section, an employee is not considered newly exposed to heat if the employee has been exposed to comparable occupational heat conditions within the immediate preceding 7 days, even if the exposure occurred at a different worksite or while employed by a different employer.*” However, detailed information about environmental exposure occurring at a worker’s past employment cannot be verified by a new employer in any reliable and measured way. Employers cannot determine whether new hires were acclimatized appropriately on a prior job assignment. Workers cannot accurately compare past job experiences to a new position with tasks they have not performed yet. This paragraph could also function to reward workers who deny their need for acclimatization to their new employer. As mentioned, SB 804 does not include RH in hazard assessments or temperature thresholds for outside workers; so, the new employee could be facing even less protections at their new job compared to their earlier job. This paragraph should be completely omitted.
- 5-1204 (B) (1) & (2) SB 804: These paragraphs state that employers have options to develop and implement their own written acclimatization plans, OR they may follow plans outlined in NIOSH. But the acclimatization plans required in SB 804 are inadequate. They will not protect workers effectively because RH measurements and heat index calculations are omitted from temperature action thresholds. The use of the term “or” allows employers to implement a weak and overly flexible plan that will not protect workers from heat exposure.
- 5-1204 (C)(6)-(7) and (D): This paragraph states that when developing an acclimatization plan an employer should consider: *The use and maintenance of auxiliary cooling systems such as water-cooled garments, air cooled garments, cooling vests and wetted overgarments, AND the effect of exposure to direct sunlight.*

- According to OSHA, NIOSH and ANSI standards, personal protective equipment (PPE) such as *water-cooled garments, air cooled garments, cooling vests and wetted overgarments* may not be used by the employer as a substitute for instituting appropriate engineering and administrative controls to protect workers from potentially fatal workplace hazards. Acclimatization is a medically necessary administrative control used to minimize risk of heat related illness and injury. Acclimatization requirements cannot be effectively replaced by the use of cooling PPE. There is no scientific basis or justification provided for this section, and it should be removed.
 - 5-1204 (D) includes requirements that the acclimatization plan be sent to the Commissioner upon request. Requirements should specify that MOSH, employee representatives and unions also receive plans upon request.
- 5-1205 (B): Addressing environmental monitoring for inside workers, the employer has been required to measure both temperature and RH for those indoors. There are no employer requirements that could be triggered by RH measurements indoors. RH is still not included in any temperature thresholds for action for either indoor or outdoor workers. RH should be monitored and measured for all workers exposed to heat.
- MISSING: Definition of “**alternative cooling and control measures.**” SB 804 refers to alternative cooling and control measures as justifications to deny the employer’s responsibility to provide employees with rest breaks. The definition of alternative cooling and control measures is not provided in SB 804, although the phrase is referred to six times in the bill. Alternative means of cooling and control measures need to be documented in writing and can be used by the employer as a substitute for providing shade. SB 804 states that the employer does not have to comply with providing employees with rest breaks if/when alternative cooling and controls measures are used.
 - This is not defined, measurable, consistent or applicable. It appears to provide the employer with permission to omit shade or rest breaks to workers during high heat exposures if ‘alternative cooling and control measures’ will provide effective heat management during the workday. ‘Effective Heat Management’ is never defined.
 - *5-1206 C-(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, AN EMPLOYER IS NOT REQUIRED TO COMPLY WITH PARAGRAPH (1) OF THIS SUBSECTION IF THE EMPLOYER CAN DEMONSTRATE EFFECTIVE HEAT MANAGEMENT AND PROTECTION FROM HEAT-RELATED ILLNESS THROUGH ALTERNATIVE COOLING AND CONTROL MEASURES.*
- 5-1206 (A): This section of SB 804 determines when the employer is required to institute high heat procedures. It states a dry bulb temperature threshold of 90°F and omits RH and heat index.

NOAA's National Weather Service

Heat Index

		Temperature °F (°C)															
		80(27)	82(28)	84(29)	86(30)	88(31)	90(32)	92(34)	94(34)	96(36)	98(37)	100(38)	102(39)	104(40)	106(41)	108(43)	110(47)
Relative Humidity (%)	40	80(27)	81(27)	83(28)	85(29)	88(31)	91(33)	94(34)	97(36)	101(38)	105(41)	109(43)	114(46)	119(48)	124(51)	130(54)	136(58)
	45	80(27)	82(28)	84(29)	87(31)	89(32)	93(34)	96(36)	100(38)	104(40)	109(43)	114(46)	119(48)	124(51)	130(50)	137(58)	
	50	80(27)	83(28)	85(29)	88(31)	91(33)	95(35)	99(37)	103(39)	108(42)	113(45)	118(48)	124(51)	131(55)	137(58)		
	55	80(27)	84(29)	86(30)	89(32)	93(34)	97(36)	101(38)	106(41)	112(44)	117(47)	124(51)	130(54)	137(58)			
	60	82(28)	84(29)	88(31)	91(33)	95(35)	100(38)	105(41)	110(43)	116(47)	123(51)	129(54)	137(58)				
	65	82(28)	85(29)	89(32)	93(34)	98(37)	103(39)	108(43)	114(46)	121(49)	128(53)	136(58)					
	70	82(28)	86(30)	90(32)	95(35)	100(38)	105(41)	112(46)	119(48)	126(52)	134(57)						
	75	84(29)	88(31)	92(33)	97(36)	103(39)	109(43)	116(47)	124(51)	132(56)							
	80	84(29)	89(32)	94(34)	100(38)	106(41)	113(45)	121(49)	129(54)								
	85	84(29)	90(32)	96(36)	102(39)	110(43)	117(47)	126(52)	135(57)								
	90	86(30)	91(33)	98(37)	105(41)	113(45)	122(50)	131(55)									
	95	86(30)	93(34)	100(38)	108(42)	117(47)	127(53)										
	100	87(31)	95(35)	103(39)	112(44)	121(49)	132(56)										

Likelihood of Heat Disorders with Prolonged Exposure or Strenuous Activity

Caution	Extreme Caution	Danger	Extreme Danger
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- According to the National Weather Service, a dry bulb temperature of 82°F with 100% humidity can register as a heat index of 95°F. A dry bulb temperature of 86°F at 90% RH will register a heat index of 105°F. And at 88°F, 65% RH will register a heat index of 98°F. Omitting RH and heat index from high heat temperature thresholds will not protect workers from heat illness and potential death.
- 5-1206 (C) (1) *Except as provided in paragraph 2, the high heat procedures shall include a rest period that is 5-1206/C-1 (I) determined by the employer to be appropriate for the industry, workload, working environment and temperature, OR As provided for in NIOSH recommendations for work-rest schedules.*
 - The employer is not required to provide specific, measurable rest periods during high heat exposure. In MD Title 9, Subtitle 12, Chapter 32, Heat Stress Standards, there are different safety high heat procedures based on heat index measurements of 90°F or 100°F. While SB 804 provides employers the option of following NIOSH recommendations for scheduled work/break rests, SB 804 **does not require** employers to provide an established rest-work schedule for workers exposed to high heat. Under the existing statute, (Chapter 32, (8) (C) (1)) workers must — at least — be provided with a minimum rest period of 10 minutes for every two hours worked when exposed to a heat index above 90°F and below 100°F and a worker must receive a minimum rest period of 15 minutes when exposed to a heat index over 100°F (or, as provided for in NIOSH recommendations.)
 - According to NOAA, a heat index of 100°F can occur at dry bulb temperatures as low 86°F — well below the SB 804 high heat threshold of 90°F.
- 5-1206 (C) (2)& (3): SB 804 removes employer's responsibility to provide **any** rest periods IF the employer states they are using "alternative cooling and control measures." As noted above, these measures are never specified nor defined. The employer does not have to provide rest periods if they "demonstrate effective heat management and protection from heat." The definition and qualities of effective heat management are not specified.

- 5-1206: This section is confusing and self-referential. 5-1206 proposes regulations requiring the employer to implement high heat procedures when the dry bulb temperature reaches is at least 90°F. There are four exceptions here, referring to paragraph 2 in (C) (1); (C) (3) and (C) (3) (III); and to paragraph 3 in (C) (2). It is unclear what the employer's responsibilities are regarding providing any high heat relief procedures to their employees.
- 5-1208 (B). When addressing the need to retrain employees about heat hazard protection, SB 804 requires retraining immediately following *confirmation by a medical professional* that another employee suffered a heat-related illness during the course of employment; and then retraining is only provided to workers working in the same heat conditions as the person injured. This weakens existing retraining requirements set forth in Chapter 32, which require retraining ((10)(A)(2)(b)) *immediately following any incident at the worksite involving a suspected or confirmed heat illness.*
 - The goal of a heat injury and prevention program is to prevent injury and illness, not just to respond after injury or illness occurs. Chapter 32 is more effective than SB 804 by providing retraining to any impacted employees as soon as practicable after a heat illness incident occurs. All workers potentially exposed to high heat conditions can benefit from a “lessons learned” refresher about how to prevent heat illness and how to recognize and respond to emergencies during high heat events. Workers should not have to wait for medical confirmation of their coworkers’ injury (through the injured employee’s personal physician or a workers compensation professional confirming with the employer) because that information can be significantly delayed and would delay retraining. Refreshers that incorporate ‘lessons learned’ after safety incidents can serve to alert and protect other employees from similar heat injury or illness during high heat conditions.
- 5-1208 (D) SB 804 states that training records should be made available to the Commissioner and employees. This paragraph should specify that MOSH, employee representatives and unions also receive plans upon request.

Resources supporting scheduled work-rest breaks and requiring heat index calculations and RH measurements for effective assessment and prevention of heat injury:

[MDH Extreme Heat Emergency Plan 2025.docx](#)

CDC: [Acclimatization | Heat | CDC](#)

MD heat index and temperature history: [Pages - Reports: Heat](#)

<https://www.mpssaa.org/assets/HealthandSafety/nata%20ExternalHeatIllnesses.pdf>

https://www.mpssaa.org/assets/1/6/NATA_Heat_Acclim_Guidelines.pdf

https://www.mpssaa.org/assets/1/6/2012_NFHS_SMAC_-_

[Heat Acclimatization and Heat Illness Prevention Position Statement.pdf](#)

https://www.mpssaa.org/assets/1/6/nata_consensus_statement.pdf

[What is the heat index?](#)

CDC: <https://www.cdc.gov/niosh/docs/2016-106/pdfs/2016-106.pdf?id=10.26616/NIOSH PUB2016106>

[Heat Safety Tool App \(OSHA-NIOSH\) | Heat | CDC](#)

[Heat - Heat Hazard Recognition | Occupational Safety and Health Administration](#)

[OSHA Technical Manual \(OTM\) - Section III: Chapter 4 | Occupational Safety and Health Administration](#)

SB804_MSEA_Cook_UNF.pdf

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Position: UNF

UNFAVORABLE
Senate Bill 804
Labor and Employment –
Occupational Safety and Health – Revisions to Heat Stress Standards

Finance Committee
March 11, 2026
1:00 pm

Jessica Cook
Government Relations

The Maryland State Education Association opposes Senate Bill 804. This legislation undermines Maryland's current heat stress standard that provides crucial protection for workers, whether they work indoors or outdoors or whether they are private or public sector employees.

MSEA represents 76,000 educators and school employees who work in Maryland's public schools and community colleges, teaching and supporting our almost 900,000 K-12 students so they can pursue their dreams. MSEA represents more than 44 local affiliates in every county across the state of Maryland, and our parent affiliate is the 3-million-member National Education Association (NEA).

Since 2024, Maryland workers have been protected by a strict heat stress standard. Regulations were developed and adopted by the Commissioner of Labor and Industry, mandating that employers implement a formal heat safety program featuring mandatory hydration, shade, rest breaks, and gradual heat acclimatization for staff.

SB 804 undermines those hard fought protections for workers by: i) altering the threshold for heat illness protections by using dry bulb temperature rather than heat index; ii) allowing the employer to set the acclimatization period and no required monitoring; iii) providing the employer discretion to determine the work and rest schedule without minimum requirements; iv) creating an exemption from heat protections for "temporary and unanticipated heat conditions," which is not defined; and v) altering heat stress retraining requirements following an incident at the worksite. We cannot roll back the progress that has been made to protect workers.

We urge the committee to issue an Unfavorable Report on Senate Bill 804.

UFCW 400 Unfavorable - SB0804 - Heat Stress Standa

Uploaded by: Kayla Mock

Position: UNF

Testimony for SB0804

Opposed

Labor and Employment - Occupational Safety and Health - Revisions to Heat Stress Standards

March 9, 2026

To: Honorable Chair Beidle, Vice Chair Hayes, and the members of the
Senate Finance Committee

From: Kayla Mock, Political & Legislative Director

United Food and Commercial Workers Union Local 400

Chair Beidle, Vice Chair Hayes, members of the Senate Finance Committee:

I appreciate the opportunity to share my testimony on behalf of our over 10,000 members in Maryland, who work in grocery, retail, food distribution, cannabis, and health care. Through collective bargaining, our members raise the workplace standards of wages, benefits, safety, and retirement for all workers. Union members are critical to addressing inequality and uplifting the middle class.

Many of our members are the hardworking men and women who keep Maryland's grocery stores running, ensuring families have access to fresh food and essential goods.

We are in respectful opposition to SB0804, the revisions to the heat stress standards.

Maryland currently has a strong heat standard set by the Maryland Commissioner of Labor and Industry. This standard protects workers from heat stress by requiring employers to have a written heat-related illness prevention and management plan; a required acclimatization period; rest breaks; access to drinking water and shade; high heat procedures when the heat index reaches 90 degrees Fahrenheit and 100 degrees Fahrenheit; emergency response plans; and training requirements.

While we would like to see the current standards be enshrined into law, SB 804 undermines protections for workers by: i) altering the threshold for heat illness protections by using dry bulb temperature rather than heat index; ii) allowing the employer to set the acclimatization period and

no required monitoring; iii) providing the employer discretion to determine the work and rest schedule without minimum requirements; iv) creating an exemption from heat protections for “temporary and unanticipated heat conditions, which is not defined; and v) altering heat stress retraining requirements following an incident at the worksite.

Maryland should take pride in being the first state on the East Coast to adopt indoor and outdoor heat stress protections for both private- and public-sector workers. Workers are the ones who must face the impact of heat stress each day on the job, and for years, they have advocated for a standard that will protect them from injury or death. Maryland has only had this heat stress standard for approximately a year. We cannot roll back progress made to protect workers.

We respectfully urge an unfavorable report, but look forward to working with the committee and the Maryland Department of Labor to improve heat standards for Maryland workers.

SB804 IBEW 24 Opposed.pdf

Uploaded by: Michael McHale

Position: UNF

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS - LOCAL UNION No. 24

AFFILIATED WITH:

Baltimore-D.C. Metro Building Trades Council - AFL-CIO
Baltimore Port Council
Baltimore Metro Council - AFL-CIO
Central MD Labor Council - AFL-CIO
Del-Mar-Va Labor Council - AFL-CIO
Maryland State - D.C. - AFL-CIO
National Safety Council



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Written Testimony of
Michael McHale, Business Manager, IBEW LOCAL 24
Before the Senate Finance Committee On
SB 804 Labor and Employment - Occupational Safety and Health - Revisions to Heat Stress
Standards

Unfavorable

March 9, 2026

Madam Chair Beidle, Vice Chair Hayes, and Committee Members,

My name is Mike McHale and I am a member and Business Manager of IBEW Local 24, writing to express opposition to SB 804. IBEW Local 24 represents over 3,000 electrical workers across Maryland who work on construction sites, in industrial facilities, and on infrastructure projects where heat exposure is a serious hazard.

SB 804 undermines Maryland's heat stress standard by shifting from using the heat index to a simple dry bulb temperature measurement. In Maryland's humid climate, that distinction matters. When humidity is high, the body cannot cool effectively even if the raw temperature reads lower.

The bill also weakens rest periods. Under current regulations, workers exposed to a heat index above 90 degrees are entitled to at least 10 minutes of rest every two hours, and 15 minutes every hour above 100 degrees. SB 804 eliminates those minimums and gives employers discretion to set their own schedules.

Maryland took an important step by adopting indoor and outdoor heat protections for both private and public sector workers. We should not roll back that progress after just one year in effect.

For these reasons, we respectfully request an unfavorable report on Senate Bill 804.

Sincerely,

Michael J. McHale
Business Manager
IBEW Local 24

SB804 Ray Baker Baltimore DC Building Trades (UNFA

Uploaded by: Ray Baker

Position: UNF



March 11, 2026

The Honorable Pam Beidle, Chair
The Honorable Antonio Hayes, Vice Chair
Senate Finance Committee
3 East Miller Senate Office Building
Annapolis, Maryland 21401

**Testimony of Ray Baker, Maryland Director, Baltimore DC Metro Building Trades Council on
SB 804: Labor and Employment - Occupational Safety and Health - Revisions to Heat Stress Standards
Position: UNFAVORABLE**

Thank you, Chair Beidle, Vice Chair Hayes and Members of the Finance Committee, for the opportunity to offer testimony on SB804. I am Ray Baker, Maryland Director of the Baltimore-DC Building Trades (BDCBT). The BDCBT's 28 affiliates represent more than 30,000 union construction workers across Maryland, Virginia, and the District of Columbia.

The BDCBT cannot support SB804 and asks respectfully that you do not either. This legislation is regressive for workers and jeopardizes the safety of those who work in outdoor conditions or conditions otherwise exposed to extreme heat. This affects many workers who do vital and essential work for the state including construction workers, at work on state funded projects. Those workers rely on elected leaders to protect them and work toward their safety and this bill jeopardizes their welfare on the jobsite.

Specifically, this bill makes several key adjustments to existing MOSH standards that threatens to harm workers. This bill discontinues required rest periods when heat indices reach or exceed 90 and 100 degrees respectively. The alteration allows employers the discretion to determine work and rest schedule without minimum requirements. This unfairly incentivizes employers to press workers in unsafe working conditions and incentivized workers to push beyond healthy and acceptable limits leading to heat related illness. Additionally, the bill reconfigures the threshold for heat illness protection moving from heat index as a gauge, to ambient temperature. This is unacceptable because the heat index is significantly more effective in judging the heat and its effect on the body. Maryland, as a mid-Atlantic state is notoriously humid and the difference between an ambient ("dry-bulb temperature") and the heat index can be key in determining the likelihood of a heat related illness. Finally, SB804 only calls for heat related retraining if a workers were to suffer a heat related illness at work. Previous law required training whether the incident at work was indeed a heat related illness or only suspected to be one.

This and more combine to weaken heat-related protections for Maryland workers, namely those in the construction field tasked with building the infrastructure we all use and rely on. This legislation regressively and unnecessarily jeopardizes the health and welfare of all Maryland workers at a time when climate change consistently challenges everything from our infrastructure to our energy grid, and most importantly our health and welfare. Now is the time for Maryland legislators to find ways to gird workers against the threats of climate change, not lessen protections that jeopardize a worker's life. These reasons and more lead to the BDCBT urging an unfavorable report on SB804.

Ray Baker
Maryland Director, BDCBT
RBaker@BDCBT.org
410.585.7862

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AFT-Maryland.SB 804 - Heat Stress.docx.pdf

Uploaded by: Todd Reynolds

Position: UNF

**Written Testimony to the Senate Finance Committee
SB 804 - Labor and Employment - Occupational Safety and Health -
Revisions to Heat Stress Standards
March 11, 2026**

UNFAVORABLE

Good afternoon Chair Beidle, Vice Chair Hayes, and members of the Senate Finance Committee. AFT-Maryland is the state federation for thousands of PreK-12 and higher public educators, medical doctors at the University of Maryland Medical Center, and state, county, and municipal employees throughout Maryland. On behalf of these organizations, we respectfully call for this committee to issue an unfavorable report to SB 804, the bill that would revise the state's new Heat Stress Standards meant to protect our employees from excessive heat at work.

These standards were drafted and adopted using the robust regulatory process in the state after a number of high-profile incidents where employees in Maryland fell ill, and in some cases tragically passed away, due to working in excessive heat conditions. This bill would undercut that regulatory process and undo the work of state agencies and community stakeholders in developing standards that are meant to keep Marylanders safe from excessive heat while on the job, seen most commonly in the summer months as our climate continues to warm.

Specifically, this bill would undo the requirement of employers to provide adequate rest breaks when heat indexes rise to 90 or 100 degrees, or above. This loosening of the required breaks at these extreme temperatures means any steps taken by the employer to provide any rest from working in these hot conditions is reactive, and will unfortunately lead to more employees falling ill because of working under extreme heat.

Additionally, the bill undoes the current standard regarding heat acclimatization, and allows employers to set any acclimatization period for their employees that the employer chooses. It also undoes the requirement that the employer monitor their employees regularly during this acclimatization period. As acclimatization is one of the body's best ways to manage working under hot conditions, the undoing of these provisions will again likely come at the expense of employee health and safety.

Finally, the removal of the requirement that these standards be put in place when the heat index reaches a specific level in favor of a trigger that instead ignores humidity and measures just the

dry bulb temperature ignores the reality that people face when working in our summer months—it's not just the heat that threatens our health, but the heat coupled with the humidity, preventing the body from cooling itself down, which is the risk.

For these reasons, we again respectfully call for an unfavorable report to SB 804. Thank you.

SB 804 AFSCME Local 631 Testimony_UNF.pdf

Uploaded by: Wynton Johnson

Position: UNF

**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, on behalf of AFSCME Local 631, I urge you to issue an unfavorable report on Senate Bill 804. Senate Bill 804 would undermine Maryland's current heat stress standard that provides crucial protection for our members.

In Local 631 I represent over 300 workers in the MDOT. As MDOT workers, we are out in the elements every day for eight or more hours. As rising temperatures occur, our members are vastly impacted. This includes members who have fainted, felt sick, left work early to go home because they were feeling sick. Since the new heat standard has been in effect there have been better precautions in place with water and rest breaks.

After years of advocacy, Maryland's heat stress standard finally took effect in September of 2024. This standard protects workers from heat stress by requiring employers to have a written heat-related illness prevention and management plan; a required acclimatization period; rest breaks; access to drinking water and shade; high heat procedures when the heat index reaches 90 degrees Fahrenheit and 100 degrees Fahrenheit; emergency response plans; and training requirements.

SB 804 undermines protections for workers by: i) altering the threshold for heat illness protections by using dry bulb temperature rather than heat index; ii) allowing the employer to set the acclimatization period and no required monitoring; iii) providing the employer discretion to determine the work and rest schedule without minimum requirements; iv) creating an exemption from heat protections for "temporary and unanticipated heat conditions," which is not defined; and v) altering heat stress retraining requirements following an incident at the worksite.

Maryland should take pride in being the first state on the east coast to adopt indoor and outdoor heat stress protections for both private and public sector workers. Members in our union face the impact of heat stress each day on the job, and for years, they advocated with other unions for a standard that will protect them from injury or death. Maryland has only had this heat stress standard for approximately a year. We cannot roll back progress that has been made to protect workers.

On behalf of AFSCME Local 631 we urge the committee to issue an unfavorable report on SB 804. Thank you.

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Uploaded by: Marissa Yancone

Position: INFO

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**

MWA Letter of Information on SB 804.pdf

Uploaded by: Matthew Bohle

Position: INFO



TO: Senate Finance Committee

FROM: Maryland Wineries Association ("MWA")

RE: SB 804 – Revisions to Heat Stress Standards

DT: March 11, 2026

Position – Informational

Chair Beidle and members of the Senate Finance Committee, MWA appreciates the focus on ensuring worker safety – we share that focus and prioritize it as well.

With that focus noted and agreed upon, we need to ensure that any heat stress standards are flexible so that we can achieve our challenging task of growing grapes and other Maryland agricultural products to produce Maryland wine.

The weather, disease, pests and other forces can require us to immediately tend to our crops. In order to be successful we need to be able to take action immediately and without hesitation or else we could risk losing our crops.

MWA believes that training and planning between our farmers and the Department of Labor ("DOL") can be sufficient to achieve the goals of protecting worker safety and ensuring that we can effectively tend to our crops. We are willing to work with DOL to develop standards, training and guidelines. We want to both reduce the risk of heat stress to our workers and ensure that our crops may be effectively tended to.

We have concerns that codifying these standards, without certain training, planning and direction, would create a rigidity that could cause challenges when our crops are at their most vulnerable.

Our request is that we work with the DOL to develop industry specific training programs to ensure that these rules and regulations may work cohesively with our agricultural needs while planning for and addressing some of the most common risks to our workers.

Thank you for considering our views and we look forward to working with the Committee on this important matter.

Sincerely,

Pam Giganti, Chair of the MWA Government Affairs Committee