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THE MARYLAND HOUSE OF DELEGATES
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Testimony in Support of HB 1108
Greenhouse Workers Labor Protections

Testimony by Delegate Vaughn Stewart
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I. The Legal Gap Between Industrial and Agricultural Workers

This bill addresses a narrow but significant inconsistency in our labor laws. Under the National Labor Relations Act (NLRA), most private-sector industrial and warehouse workers have the right to organize, select a representative, and bargain collectively over wages and working conditions. At the same time, the NLRA excludes “agricultural laborers.” That exclusion was written in 1935 and reflected the political and economic structure of agriculture at that time—predominantly small-scale, open-field, seasonal farming. It did not contemplate the modern, year-round, climate-controlled production facilities that define today’s controlled-environment greenhouse operations.

II. The Modern Reality of Controlled-Environment Workplaces

HB 1108 does not attempt to relitigate or justify the agricultural exemption. It simply recognizes that the workers in enclosed, artificially regulated growing facilities could not reasonably have been what Congress envisioned when it excluded agricultural labor from federal collective bargaining protections. In these operations, the workplace more closely resembles light manufacturing or warehouse production than traditional field agriculture. The facilities are fixed indoor structures. Environmental conditions are engineered and regulated by the employer. Work is typically year-round. Tasks are repetitive and production-oriented—potting, trimming, sorting, moving, packaging, and preparing plants for shipment. Workers report to supervisors in structured production environments and often work on defined shifts.

If we compare this to a typical warehouse or light manufacturing plant, the similarities are striking. In both settings, the employer controls the building, ventilation, temperature systems, and pace of work. In both, employees perform task-based production labor indoors. In both, there are productivity expectations and structured workflows. The only meaningful distinction is the nature of the product leaving the facility. In one

case, it is boxed or assembled goods; in the other, it is plant material. Functionally, however, the labor and the workplace environment are industrial.

III. Why This Is Not “Singling Out” Agriculture

Opponents argue that HB 1108 “singles out” a subset of agricultural workers. That framing assumes greenhouse workers are properly grouped with traditional agricultural labor in the first place. The defining characteristic of controlled-environment operations is not simply that plants are involved; it is that temperature, humidity, and environmental conditions are artificially regulated within enclosed structures. Traditional open-field agricultural work is subject to natural weather conditions and seasonal rhythms. Greenhouse work, by contrast, occurs in permanent, employer-controlled indoor facilities designed to manipulate climate as part of the production process. When the employer controls the environment—particularly heat and ventilation—the workplace begins to resemble a factory more than a farm.

IV. Heat Exposure and Employer Control

This distinction is especially important in the context of heat exposure. In a warehouse, the employer controls the HVAC system. In a greenhouse, the employer intentionally traps and regulates heat and humidity to support plant growth. When interior heat indices rise to sustained high levels, workers are not simply experiencing natural weather variability; they are working inside an engineered environment designed to retain heat. Maryland has already recognized the importance of heat safety through its statewide regulations, and HB 1108 adds a clear, paid rest-break floor tailored to this uniquely heat-intensified indoor setting. That is a rational, targeted response to a workplace characteristic that differs materially from open-field agriculture.

V. A Targeted, Historically Grounded Correction

HB 1108 does not dismantle agricultural exemptions generally, nor does it disturb traditional farming operations. It applies only to employees working in enclosed structures where environmental conditions are artificially regulated. The bill acknowledges that when a workplace looks, operates, and is controlled like an industrial facility, workers should not lose collective bargaining rights solely because the output is botanical rather than mechanical. The historical agricultural exemption under the NLRA was crafted for a very different economic structure. Controlled-environment greenhouse workers occupy a space that did not meaningfully exist when that exemption was written.

Ultimately, the question before the Committee is whether two workers performing nearly identical indoor production labor should be treated differently under the law simply because one handles consumer goods and the other handles plants. The legal distinction that denies collective bargaining rights to greenhouse workers is rooted in a statutory classification from 1935, not in the realities of their present-day work environment. HB 1108 is a targeted effort to align Maryland law with those realities.

For these reasons, I respectfully request a favorable report on HB 1108.