



March 15, 2024

Commissioner Devki Virk  
Division of Labor and Industry  
Maryland Department of Labor  
10946 Golden West Drive, Suite 160  
Hunt Valley, MD 21031

Submitted via email to [dli.regulations+heat@maryland.gov](mailto:dli.regulations+heat@maryland.gov).

Dear Commissioner Virk:

The BlueGreen Alliance (BGA) is grateful for the effort of Maryland Occupational Safety and Health (MOSH) to protect Maryland's workers from heat stress and for the opportunity to comment on the revised draft.

The BlueGreen Alliance is a national coalition that unites labor unions and environmental organizations to solve today's environmental challenges in ways that create and maintain quality jobs and build a clean, thriving, and equitable economy.

We applaud the protection of both indoor and outdoor workers in the Maryland draft standard and the inclusion of additional protections in high heat conditions. The detail in the sections on the Heat Illness Prevention and Management Plan, Acclimatization, Shade Access, Drinking Water, High Heat Procedures and Training is commendable. These comments are intended to strengthen and clarify your excellent draft. In preparing these recommendations, we relied on the good work of the Health Injury and Illness Prevention Work Group of the National Advisory Committee on Occupational Safety and Health (NACOSH).<sup>i</sup>

**.03 Heat Illness Prevention and Management Plan** should include a requirement that employers perform an analysis of the specific work tasks or situations that are most likely to result in heat stress and the best control measures by following the hierarchy of controls for each scenario.

The identification of the person responsible for the plan and a method of determining where workers will be located every day should also be included among the plan requirements.

A requirement for review and revision of the plan annually and after every heat illness event should also be added.

A provision for the involvement of workers and their representatives in the development and review of the heat illness plan would add to its value. Union representatives should explicitly be given the plan upon request along with employees and MOSH.

**.04 Acclimatization** includes a reference to the draft's overly prescriptive definition of heat wave:

Heat Wave means a period of time when the predicted high heat index temperature is at least 80 degrees and is at least 10 degrees higher than the average high temperature in the preceding 5 days.

NOAA, the National Oceanic and Atmospheric Administration, defines a heat wave as

a period of unusually hot weather that typically lasts two or more days. To be considered a heat wave, the temperatures have to be outside the historical averages for a given area.<sup>ii</sup>

The average high temperature of the preceding 5 days is not a part of the NOAA definition. Implementing the acclimatization section of the proposed regulation would be greatly eased by revising that definition to a period of two or more days with high heat index temperatures above a set number of degrees or above the historical regional averages posted as part of the final regulation.

**.08 Emergency Response Procedures** requires employers to implement procedures to respond to employees' signs and symptoms of heat illness or stress. More details would be useful here. Does this mean that there will be trained personnel available for first aid? Who will receive this training? Should practice drills be required?

And finally, as with the plan **.09 Training** should be expanded to include the specific work tasks or situations that are most likely to result in heat stress and the best control measures for each scenario. Training should not only include the importance of frequent consumption of water but also the value of rest breaks with paid time, and shade or cool climate-controlled area.

Again, BGA commends MOSH for proposing this revised regulation and we encourage its swift promulgation.

In solidarity,



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<sup>i</sup> U.S. Occupational Safety and Health Administration (OSHA), Heat Injury and Illness Prevention Work Group of the National Advisory Committee on Occupational Safety and Health. <https://www.osha.gov/heat-exposure/heat-injury-and-illness-prevention-work-group>

<sup>ii</sup> National Oceanic and Atmospheric Administration (NOAA), What is a Heat Wave? <https://scijinks.gov/heat/>