

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 64
Economic Matters

(Delegate Henson)

Labor and Employment - Occupational Safety and Health - Handwashing
Facilities on Construction Sites

This bill requires each employer operating a construction site in the State, including State and local governments, to provide an adequate handwashing facility for workers performing job duties on the construction site. Each employer must allow the workers on the construction site to have reasonable opportunities during the workday to use the handwashing facility. A handwashing facility must (1) include potable running water; (2) be located in a place that is accessible to all workers; (3) be adequate for the number of workers present on the construction site; and (4) be maintained in a clean and sanitary condition.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances because employers are already required to meet the bill's requirements under existing Occupational Safety and Health Act (OSHA) regulations, as discussed below.

Local Effect: The bill is not anticipated to materially affect local government operations or finances because employers are already required to meet the bill's requirements under existing OSHA regulations, as discussed below.

Small Business Effect: Potential minimal.

Analysis

Current Law: There are no State statutory provisions related to the handwashing facilities on construction sites; however, Maryland Occupational Safety and Health (MOSH) within

the Maryland Department of Labor (MDL) has adopted the federal OSHA sanitation guidelines required by [29 CFR 1926.51 Sanitation](#).

Directly related to the bill, the OSHA guidelines require (1) each employer to provide adequate washing facilities for employees engaged in the application of paints, coating, herbicides, or insecticides, or in other operations where contaminants may be harmful to the employee, and such facilities must be in near proximity to the worksite and (2) lavatories to be made available in all places of employment (with limited exceptions) with each lavatory being provided with hot and cold or tepid running water, hand soap or similar cleansing agents, and hand towels, air blowers, or cloth toweling, as specified.

Additionally, through regulation ([Code of Maryland Regulations 09.12.36.03](#)), MDL requires agricultural employers to provide handwashing facilities for employees engaged in hand-labor operations in the field. The regulations require one toilet facility and one handwashing facility to be provided for each 20 employees or fraction of that amount.

State/Local/Small Business Expenditures: MDL advises that each construction site in the State is already required to provide handwashing facilities for employees and to have potable water, primarily in tandem with lavatories, due to the OSHA regulations discussed above. The bill's requirements are similar to the OSHA requirements; however, the bill creates a new requirement that each employer must allow the workers on the construction site to have reasonable opportunities during the workday to use the handwashing facility. Even so, each employer can likely meet this requirement with minimal, if any, effect on its operations.

Additional Comments: MDL advises that the bill's requirements are less stringent than those required by OSHA because the bill does not address temperature, hand towels, and hand soap. Moreover, MDL advises that the conflicts could jeopardize the operational requirement of MOSH by OSHA. MOSH is required to adopt and enforce standards that are at least as effective as OSHA's standards.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland Department of Labor; Public School Construction Program; Department of General Services; Montgomery and Prince George's counties; Department of Legislative Services

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md/mcr

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