



September 21, 2018

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Sent via Electronic Mail and U.S. Mail

Ben Jealous
PO Box 8715
Silver Spring, MD 20907

Dear Mr. Jealous:

The safety and health of Maryland's 2.4 million workers is a critical issue that the governor of our state must be prepared to address. Thus, as concerned citizens of Maryland, we write to ask: If elected governor, what measures would you take to protect Maryland workers from on-the-job safety and health hazards?

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In June of this year, four Maryland workers died on the job in a span of only eight days.¹ On June 5, Kyle Hancock, a 20-year-old construction worker, was working in a trench that his employer, R.F. Warder Inc., failed to properly shore, leading to a cave-in that buried him. On June 8, Michael David Zeller, a 31-year-old Marine Corps veteran, was killed when he fell down an elevator shaft at the future McCormick & Co. headquarters in Hunt Valley. On June 10, an unidentified worker was trimming a tree when he was pinned and killed. And on June 13, a construction worker who was unnamed in news reports died when he came into contact with a live electrical wire at the site of a new home where he was installing siding. Since this string of fatalities in June, multiple other workers have died on the job across our state.

The rash of worker fatalities this summer is not a one-off occurrence in Maryland. In 2016, the latest year for which an official count is available, the number of worker fatalities in the state climbed to 92, up from an annual average of 74. And tens of thousands of workers report work-related injuries and illnesses each year.

The main agency responsible for worker health and safety in our state, the Maryland Occupational Safety and Health (MOSH) division of the Department of Labor, Licensing, and Regulation (DLLR), is notoriously weak on fining employers for violations that lead to worker deaths. In 2016, the median penalty imposed for violations in a fatality case was roughly \$4,150,² less than the cost of an average funeral, and data for 2017 shows that number has

dropped significantly.³ Unfortunately, this data is consistent with Maryland Labor Secretary Kelly Schulz's opposition to strong enforcement as a means of deterring employers from violating safety standards, as she made clear in an op-ed in the *Baltimore Sun* in May 2018.⁴

Additionally, the agency's performance suffers from a lack of funding and resources.⁵ In that same op-ed in the *Baltimore Sun*, Schulz points to the hiring of roughly a dozen new inspectors over the past year as evidence it is "much improved." Yet there are still so few inspectors that it would take 98 years for MOSH to inspect each worksite across the state just once, according to the AFL-CIO.⁶

Everyone across our state deserves to return home safe and secure at the end of a hard day's work. Our elected officials hold the power to ensure Maryland has strong and well-enforced laws and standards that guarantee workers a safe and healthy workplace. If elected to serve as governor of Maryland this November, what would you do to reduce the number of worker deaths and injuries across our state? Would you commit to raising funding for MOSH and appointing leaders who believe in holding employers accountable when they break the law?

Sincerely,

Rena Steinzor
Edward M. Robertson Professor of Law
University of Maryland Francis King Carey School of Law

Katie Tracy
Policy Analyst
Center for Progressive Reform

¹ *Four Recent Worker Deaths Reflects Rise in Fatal Workplace Injuries in Maryland*, BALTIMORE SUN (June 15, 2018), <http://www.baltimoresun.com/business/bs-bz-fatal-workplace-injuries-20180614-story.html>.

² AFL-CIO, DEATH ON THE JOB: THE TOLL OF NEGLECT 139 (2017), <https://aflcio.org/sites/default/files/2017-04/2017Death-on-the-Job.pdf>.

³ AFL-CIO, DEATH ON THE JOB: THE TOLL OF NEGLECT 135 (2018), <https://aflcio.org/sites/default/files/2018-04/DOTJ2018nb.pdf>.

⁴ Kelly M. Schulz, Op-Ed, *Md. Labor Secretary: MOSH is Much Improved*, BALTIMORE SUN (May 7, 2018), <http://www.baltimoresun.com/news/opinion/readersrespond/bs-ed-rr-mosh-staffing-letter-20180507-story.html>.

⁵ Letter from Matthew Shudtz & Katherine Tracy, Center for Progressive Reform, to Maryland General Assembly, House Standing Committee on Appropriations, Subcommittee on Education and Economic Development, Written Testimony for Feb. 15 Budget Hearing on DLLR Business Regulation (Feb. 8, 2018), http://progressivereform.org/articles/Tracy-Shudtz_Testimony_MD-GA_MOSH_020818.pdf.

⁶ AFL-CIO, *supra* note 3, at 179.