

February 23, 2021

Sen. Joseph Rafferty, Chair
Committee on Labor and Housing
Cross Building, Room 202
Augusta, ME 04330

Rep. Michael Sylvester, Chair
Committee on Labor and Housing
Cross Building, Room 202
Augusta, ME 04330

RE: LD 358, An Act to Protect Workers From Unsafe Working Conditions With Regard to Indoor Temperatures

Dear Senator Rafferty and Representative Sylvester,

The Maine Automobile Dealers Association (“MADA”) submits this testimony in opposition to LD 358. MADA is the association of all of the franchised new car and truck dealers in the State of Maine. MADA dealers are heavily invested in safety and the general health and welfare of employees. MADA administers its own workers compensation trust, regularly inspects dealership premises and provides suggestions as to safe practices, including temperature and venting. Service technicians in particular are highly trained and their physical environment is constantly monitored. The realities of the dealership workplace, however, preclude the application of a temperature regulation such as is proposed in LD 358. This is particularly the case when the environment changes constantly. This is not an instance of opening or closing a window or changing a thermostat in a sealed building by a degree or two.

OSHA has actually referred to this issue as “temperature wars” in the work place. OSHA has recognized that different individuals have different tolerances for heat and cold and what is comfortable for one individual may not be comfortable for another.

The service area of a dealership is somewhat unique. Every effort is made to keep working temperatures in a reasonable range. Dealers invest significant sums in heating and ventilation systems. Every effort is made to provide a safe workplace. However, the doors of service facilities are usually quite large, there are often multiple doors (sometimes 5 or 10 or more doors), and they must open constantly to bring vehicles in and out both for service and, critically, to vent the facility of the fumes that would otherwise build up in the workplace. This necessitates regular exposure to the ambient air temperature. Dealership facilities are large, open areas. Temperature in the service bays is affected differently depending on proximity to doors. There are few specific service bays or work areas that are walled off or in any other way segregated.¹ Indeed, to attempt to do that would be to disrupt the airflow and to create different dangers associated with the buildup of various fumes, carbon monoxide and the like.

¹ This does not include paint booths, which present other unique issues, nor wash/prep bays.

PRETI FLAHERTY

February 23, 2021

Page 2

The scope of LD 358 is quite broad, and MADA recognizes that different businesses will present different obstacles to regulating temperature. Certainly this is not a situation where one standard will fit all. If the committee determines to move forward with LD 358, MADA would urge that dealerships be excluded. LD 358 and any regulatory regime simply cannot work in a dealership's work place.

MADA will be at the work session and prepared to answer any questions the Committee might have.

Respectfully submitted,

A handwritten signature in blue ink that reads "Bruce C. Gerrity". The signature is written in a cursive style with a large, stylized "S" at the end.

Bruce C. Gerrity

BCG:apl

cc: Committee members
Colleen McCarthy Reid, Committee Analyst
Steve Langlin, Committee Analyst
Alyssa Thompson, Committee Clerk