



Testimony of Jeff McCabe  
Maine Service Employees Association, SEIU Local 1989

In Support of LD 1173  
LD 1173, An Act Directing the Bureau of General Services to Ensure Adequate Air Quality in  
All State-owned and State-leased Buildings  
Representative Montell

Before the Joint Standing Committee on State and Local Government  
April 18, 2023

Senator Nangle, Representative Stover and members of the Committee on State and Local Government, I'm Jeff McCabe, director of politics and legislation for the Maine Service Employees Association, Local 1989 of the Service Employees International Union. We are a labor union representing over 13,000 Maine workers, including workers in all three branches of Maine State Government.

We are here in support today of LD 1173, knowing that this bill before you looks to expand on important work that this committee and the Maine Department of Administrative and Financial Services has begun around building health and safety.

We believe that the bill sponsor will be proposing an amendment to LD 1173 that will pick up some key aspects missed in the work to date. Representative Montell has lived experience herself and has heard from numerous individuals who have concerns associated with the State House complex. It would be our hope that Representative Montell and Maine Bureau of General Services continue the important work around this issue.

We would support Representative Montell's proposal to add radon as a specified indoor pollutant to be tested for.

I am happy to answer any questions and have provided past testimony to show work related to this issue.



Testimony of Jeff McCabe  
Maine Service Employees Association, SEIU Local 1989

In Support of LD 1042, An Act to Protect State Workers from Exposure to Harmful Substances,  
Sponsored by Representative Thom Harnett

Before the Joint Standing Committee on State and Local Government  
9 a.m. Friday, April 30, 2021, Cross Office Building 214

Senator Baldacci, Representative Matlack and members of the Committee on State and Local Government, I'm Jeff McCabe, director of politics and legislation for the Maine Service Employees Association, Local 1989 of the Service Employees International Union. We are a labor union representing over 13,000 Maine workers, including workers in all three branches of Maine State Government.

We're here in support LD 1042, An Act to Protect State Workers from Exposure to Harmful Substances, sponsored by Representative Thom Harnett.

LD 1042 requires the Department of Administrative and Financial Services, Bureau of General Services, to inventory all state-owned buildings where state employees perform job duties to determine the presence of asbestos, lead, black mold and other substances that may be harmful to human health. It requires property owners of buildings leased to the State to conduct a similar inventory and report the results to the bureau.

The bill requires the bureau to establish and maintain a database containing the results of the inventories and make the database readily accessible electronically to employee collective bargaining agents, employees working in state office buildings with asbestos, lead, black mold or other substances that may be harmful to human health, individuals who perform maintenance, repair or custodial services, firefighters, the Department of Labor, the Department of Health and Human Services, Maine Center for Disease Control and Prevention and members of the joint standing committee of the Legislature having jurisdiction over state and local government matters.

Furthermore, it requires the database to be consulted before maintenance of or repair to a state-owned building by a state employee and the provision of protective gear to the employee if appropriate. The department may adopt rules to implement these requirements and is required to submit a biennial report to the joint standing committee regarding the conditions of the buildings.

LD 1042 is necessary because right now, the State of Maine is filled with older buildings that have been in decline for many years. One notorious state building is right next door: The Maine State Cultural Building, home to the Maine State Library, Maine State Museum, Maine State Archives, and, since January of 2013, the Maine Labor History Mural created by Tremont artist Judy Taylor. As all of you may know, the Maine State Cultural Building been closed since the summer of 2020 for upgrades that include asbestos removal. One of our members, Michael S. King, a boiler engineer for the Department of Administrative and Financial Services, on his own time in in January of 2020, explained to members of this committee the hazardous conditions he's endured in the Cultural Building. I'll quote from his testimony:

"All the spray-on fireproofing in the building is made of asbestos. The mechanical rooms, and many other rooms above the drop ceilings, are laced with this asbestos-ridden fireproofing. Over the years, the stuff has become friable from many different factors, including an ever-declining health of the building, various leaks and mechanical failures. Unbeknownst to me and almost anyone else in the building, I've been working with this fireproofing all over the place, disturbing it as I worked. Walking through it, sweeping it up, brushing it off, knocking it off and around the air handlers as they needed work. This fireproofing breaks down over time and becomes airborne, settling with dust on any given surface. This dust now sits, waiting for the slightest disturbance to become airborne. Myself and many others experienced years of preventable exposure while trying to conduct our jobs to keep the building inhabitable. In addition, we now live with the fact we have possibly exposed the occupants of the building while conducting our work, all unbeknownst to us."

To this day, the State of Maine lacks a comprehensive system for tracking potential health risks, repairs and risk zones in buildings. As a result, there is a pattern of short-term specific repairs with problems that are reported, but no real plan for the proactive work to prevent exposures. There also hasn't been real education for workers about potential risks and how to spot risks and alert management.

We are focused mostly on issues around asbestos and black mold, but we also want you to know about the existence of other ongoing building and health issues, including drinking water issues. These issues affect Mainers who work both in and out of our bargaining units; exposure is not just limited to state employees.

Fortunately, LD 1042 would identify and catalog problem buildings and related testing. It would create new standards relating to contaminant levels and improve testing requirements. It would improve the ability of workers to raise and resolve safety concerns.

Through LD 1042, we are seeking the following actions:

- 1) Establishment of a system for tracking, monitoring, and transparent information about buildings and potential risk areas.
- 2) Adoption of recommended standards concerning black mold and adoption of U.S. Environmental Protection Agency standards for black-mold enforcement for state workplaces.

3) Establishment of a safety committee, training, and transparent communication.

Attached and below are several useful links, reports and memos around ongoing issues. Thank you and I'd be glad to answer any questions.

*The Failure of Asbestos Monitoring in Maine State Buildings: The Case for the Creation of a Tracking and Monitoring system, by Adam Caplan-Bricker and Tom Juravich, Labor Center-University of Massachusetts Amherst, January 22, 2020, Executive Summary*

### **EPA Mold Guidelines**

<https://www.epa.gov/mold/mold-remediation-schools-and-commercial-buildings-guide>

### **News Articles**

<https://www.mainebiz.biz/article/maine-state-library-finds-temporary-home-in-winthrop>

<https://www.mainebiz.biz/article/troubled-maine-state-cultural-building-closed-for-upgrades-asbestos-removal>

<https://www.centralmaine.com/2019/04/03/high-asbestos-levels-found-in-states-cultural-building-in-augusta-but-consultants-say-theres-no-danger/>

<https://www.pressherald.com/2019/05/01/biddeford-dhhs-office-closes-due-to-flooding/>

<https://www.pressherald.com/2019/06/06/dhhs-opens-temporary-biddeford-office/>

<https://www.wabi.tv/content/news/High-asbestos-level-508131241.html>

<https://www.newscentermaine.com/article/news/local/asbestos-testing-underway-at-state-archives-dep-calls-danger-minimal/97-6d54612f-06cd-4015-8c99-f0d10b93bbe8>

### **Massachusetts State Work**

<https://www.boston.com/news/local-news/2019/12/03/asbestos-still-kills-thousands-of-americans-each-year-maura-healey-is-spearheading-an-effort-to-change-that>

<https://www.mass.gov/service-details/healthy-buildings-healthy-air-initiative>

<https://www.mass.gov/service-details/asbestos-in-schools>