



August 1, 2025

Honorable Paul McMurtry, House Chair  
Honorable Jake Oliveira, Senate Chair  
Joint Committee on Labor and Workforce Development  
State House, Room 472  
Boston, Massachusetts 02133

Dear Chair Oliveira, Chair McMurtry and Members of the Committee:

On behalf of the Transportation Association of Massachusetts (TAM), which represents commercial transportation and logistics companies across the Commonwealth, I am writing in opposition to House Bill 3995, An Act to Protect Workers from Extreme Temperatures, Senate Bill 1357, An Act Establishing Protections for Workers in Hot Conditions, and Senate Bill 1355, An Act to Establish Extreme Temperature Worker Protections. These overly prescriptive bills fail to acknowledge the overarching safety requirements that employers are already operate under in providing a safe working environment.

At the outset, the federal Occupational Safety and Health Act (OSHA) provides that “[e]ach employer shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees.” 29 U.S. Code § 654 (5)(a)(1). Employers can be cited for violation of the General Duty Clause if a recognized serious hazard exists in their workplace and the employer does not take reasonable steps to prevent or abate the hazard. (See, OSHA Interpretation Letter to Mr. Milan Racic, Int’l Brotherhood of Boilermakers, <https://www.osha.gov/laws-regs/standardinterpretations/2003-12-18-1>). The General Duty Clause is used only where there is no standard that applies to the particular hazard. Id. The following elements are necessary to prove a violation of the General Duty Clause: (a) the employer failed to keep the workplace free of a hazard to which employees of that employer were exposed; (b) the hazard was recognized; (c) The hazard was causing or was likely to cause death or serious physical harm; and (d) there was a feasible and useful method to correct the hazard. Id. In short, employers already have a legal obligation to provide a safe and healthy work environment – one that can be enforced today without the addition of new state laws.

From a practical perspective, TAM appreciates the Committee’s focus on worker safety in the face of increasingly severe weather patterns and supports efforts to ensure that Massachusetts workers are protected from dangerous heat- and cold-related conditions. However, while well-intentioned, House Bill 3995, Senate Bill 1355 and Senate Bill 1357 contain overly prescriptive mandates that are impractical and, in some cases, unworkable for the commercial transportation industry. In particular, consider two specific areas within these bills’ provisions:

- Mandatory Air Conditioning in Vehicles. The bills would require that employer-owned or leased vehicles be equipped with functioning air conditioning for use in warm temperatures. This one-size-fits-all mandate fails to account for the operational diversity of commercial trucks and vocational vehicles. Many specialty trucks (e.g., dump trucks, flatbeds, utility vehicles) are not equipped with air conditioning due to vehicle design, usage, or safety considerations. This is not the decision of the employer; it's the decision of the manufacturer. To either retrofit existing vehicles or mandate the installation of air conditioning or heating in every vehicle type is not only cost prohibitive for employers, it could potentially void manufacturer warranties on said vehicle, meaning that employers would inherit an additional series of risks that would make it prohibitively expensive to even own certain vehicles.
- Stocked Break Areas in Cold Weather. The requirement to provide a warm break area, even when outdoor temperatures are 60°F or below, along with the obligation to stock such areas with warm beverages, is excessive and not grounded in occupational health science. The proposed provisions create logistical and financial burdens without a commensurate gain in worker safety—particularly in industries, like trucking and construction, where mobile or remote worksites are the norm. (i.e. how warm must the beverage be; must the same hot beverage be provided when it is 59 degrees, but then rises to 61 degrees during the day; etc.). The transportation industry is on the precipice of financial crisis. The addition of mandates such as those proffered by the trio of these bills before the Committee will completely change the provision of services provided by the transportation industry.

The transportation and logistics sector plays a vital role in the Massachusetts economy. Employers within this industry value their employees and recognize the importance of providing a safe working environment, one that is in compliance with OSHA. However, that commitment must be balanced with policies that are practical, scalable, and grounded in operational reality. Many of the requirements proposed by these bills are cost-prohibitive, operationally challenging, and disconnected from industry practices. If enacted, these provisions would drive up costs, restrict vehicle availability, and create compliance confusion without meaningfully improving worker conditions.

Accordingly, TAM urges the Committee to place House Bill 3995, Senate Bill 1355 and Senate Bill 1357 into a study order. Thank you for your consideration of this important matter.

Sincerely,



Kevin Weeks  
Executive Director