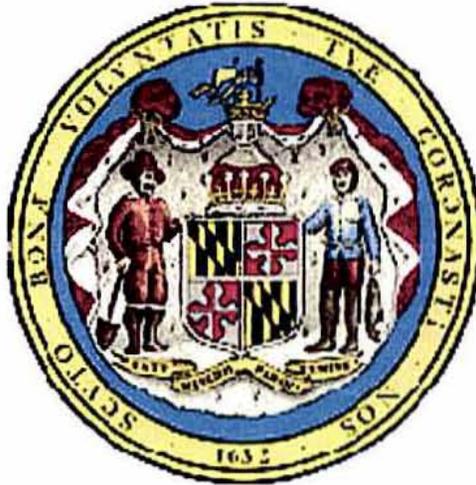


MARYLAND DIVISION OF LABOR AND INDUSTRY
DEPARTMENT OF LABOR, LICENSING, AND REGULATION

ANNUAL REPORT



2009

MARTIN O'MALLEY
Governor

ANTHONY G. BROWN
Lieutenant Governor

ALEXANDER M. SANCHEZ
Secretary, Labor, Licensing, and Regulation

J. RONALD DEJULIIS
Commissioner of Labor and Industry



DIVISION OF LABOR AND INDUSTRY
J. RONALD DEJULIIS, COMMISSIONER
1100 N. EUTAW STREET, ROOM 600
BALTIMORE, MD 21201

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The Honorable Martin O'Malley
Governor of Maryland
State House
Annapolis, Maryland 21401

Dear Governor O'Malley:

I am submitting to you the 2009 Annual Report of the Division of Labor and Industry, Department of Labor, Licensing and Regulation. This report is required under Section 2-108 of the Labor and Employment Article, Annotated Code of Maryland. Copies of the report are being sent to the General Assembly.

The report summarizes the many activities of the Division of Labor and Industry during the calendar year 2009, and demonstrates the impact that the Division's personnel has on the citizens of the State to protect their employment rights, safety, as well as building opportunities for apprenticeship learning. With your leadership, we will continue with Moving Forward and will build upon the advances that have already been achieved.

Sincerely,

Handwritten signature of J. Ronald DeJuliis

J. Ronald DeJuliis
Commissioner of Labor and Industry

Table of Contents

| | |
|--|----|
| Letter of Transmittal | |
| Introduction..... | 1 |
| Chiefs and Commissioners | 2 |
| History..... | 3 |
| Office of the Commissioner..... | 6 |
| Employment Standards | 11 |
| Maryland Occupational Safety and Health..... | 20 |
| Prevailing Wage..... | 40 |
| Safety Inspection..... | 42 |
| Boards, Councils and Committees..... | 56 |
| Publications..... | 58 |
| Appendix | 61 |

Introduction

The Maryland Division of Labor and Industry is an advocate agency concerned with the welfare of Maryland's workforce, and essential safety services to business, industry and the general public. Under the direction of the Commissioner of Labor and Industry, the Division is charged with administering the following laws and regulations:

- Amusement Ride Safety Law and Regulations
- Boiler and Pressure Vessel Safety Act and Regulations
- Choice of Bargaining Representative Law
- Elevators, Escalators and Moving Walks Law and Regulations
- Elevators and Rescue Litters Law
- Employment Agency Act and Regulations
- Employment of Minors Law
- Equal Pay for Equal Work Law
- Farm Labor Contractors Law and Regulations
- High Voltage Lines Law
- Lie Detector Tests Law
- Living Wage – Procurement Service Contracts
- Mediation or Arbitration of Labor Disputes Law and Regulations
- Medical Questions Law
- Occupational Safety and Health Act and Regulations
- Prevailing Wage - Contracts for Public Works Law and Regulations
- Railroad Safety and Health Law and Regulations
- Smoking on Public Elevators Law and Regulations
- Wage and Hour Law and Regulations
- Wage Payment and Collection Law
- Workplace Fraud Law

This report is divided into chapters according to the primary units of the agency. The report describes the scope and purpose of each unit and of the boards, councils and committees that advise, assist, or propose regulations to the Commissioner. Included is a summary of activities during the past year, and a list of the Division's publications.

Chiefs and Commissioners

Bureau of Industrial Statistics and Information

| | |
|--------------------------|-------------|
| Thomas C. Weeks, Chief | 1884 – 1892 |
| A. B. Howard, Chief | 1892 – 1896 |
| Charles H. Myers, Chief | 1886 – 1898 |
| Jefferson D. Wade, Chief | 1898 – 1900 |
| Thomas A. Smith, Chief | 1900 – 1904 |
| Charles J. Fox, Chief | 1904 – 1912 |
| Frank A. White, Chief | 1912 – 1916 |

Board of Labor and Statistics

| | |
|--------------------------|-------------|
| Charles J. Fox, Chairman | 1916 – 1922 |
|--------------------------|-------------|

Commissioner of Labor and Statistics

| | |
|---------------------------------|-------------|
| J. Knox Insley, Commissioner | 1922 – 1935 |
| Henry Lay Duer, Commissioner | 1936 – 1937 |
| A. Stengle Marine, Commissioner | 1938 – 1945 |
| John M. Pohlhaus, Commissioner | 1938 – 1945 |

Department of Labor and Industry

| | |
|------------------------------------|-------------|
| John M. Pohlhaus, Commissioner | 1945 – 1948 |
| Joseph F. DiDomenico, Commissioner | 1948 – 1959 |
| Murray L. Schuster, Commissioner | 1959 – 1963 |
| Henry Miller, Commissioner | 1963 – 1970 |

Division of Labor and Industry

| | |
|--|-------------|
| Henry Miller, Commissioner | 1970 – 1972 |
| Harvey A. Epstein, Commissioner | 1972 – 1983 |
| Dominic N. Fornaro, Commissioner | 1983 – 1988 |
| Henry Koellein, Jr., Commissioner | 1988 – 1996 |
| John P. O'Connor, Commissioner | 1996 – 1999 |
| Kenneth P. Reichard, Commissioner | 1999 – 2003 |
| Dr. Keith L. Goddard, P.E., Commissioner | 2003 – 2004 |
| Robert L. Lawson, Commissioner | 2004 – 2007 |
| J. Ronald DeJuliis, Commissioner | 2007 – |

Serving Marylanders for 125 Years

The Industrial Revolution made a tremendous impact on the century's economy and increased the demands of the labor force throughout the nation. The forerunner of today's Division of Labor and Industry was created in 1884, when the Maryland General Assembly established the Bureau of Industrial Statistics and Information. The high level of interest in protecting the State's workforce and collecting statistics and information on the needs and abuses that existed in various industries was a primary function of the Bureau.

Thomas C. Weeks, the first Chief of the Bureau of Industrial Statistics and Information, noted in his first biennial report that the work of the Bureau was seriously hindered prior to 1884 because there had been no inquiries about the needs and abuses of industry.

As interpreted by Mr. Weeks, "it was the intention of the Legislature to create the bureau in the special interest of the wage-workers of the State, and while recognizing the fact, that under our system of society, the interests of one class greatly affect the interests of all; that the more extensive our commerce, and the greater the facilities afforded to manufacture, the better should be the condition of those who labor; that an enlarged market should increase...the price of wages, the distribution of wealth, and the quantity of home consumption."

The Bureau of Industrial Statistics and Information was abolished in 1916, and the State Board of Labor and Statistics was created operating under the direction of three commissioners. The three main tasks of the new Board were collection of statistics on labor, agriculture, mineral products, transportation and commerce; operation of free employment agencies; and investigation by the Board of Commissioners as to the causes of unemployment and authorization by the Board of Commissioners to appoint Boards of Arbitration, and a Deputy, known as the Chief Mediator, with jurisdiction in areas of arbitration and settlement of labor disputes.

In 1922, after a statewide reorganization of administrative functions, the duties of the three-person Board of Commissioners were transferred to a single Commissioner of Labor and Statistics. Twenty-three years later, in 1945, the position of Commissioner of Labor and Industry was created. Powers and duties remained substantially the same, and the laws to be administered by the Department of Labor and Industry were essentially the same as those under the former State Board of Labor and Statistics.

Under departmental reorganization in 1970, Labor and Industry became a division within the Department of Licensing and Regulation; since 1995 known as the Department of Labor, Licensing, and Regulation.

Summary

In the years from the inception of the agency to the present day, many new laws, resources, and additional responsibilities have been added. Today, the Division of Labor and Industry administers State laws addressing employment issues including wage payment, occupational safety and health, workplace fraud, safety inspection of amusement rides, boilers and pressure vessels, railroads, elevators and escalators, employment of minors, and farm labor contractors.

Responsibilities assigned to the Division of Labor and Industry are many and diverse. Every citizen living within the boundaries of the State in some way benefits from, and is affected by, the administration of these laws.

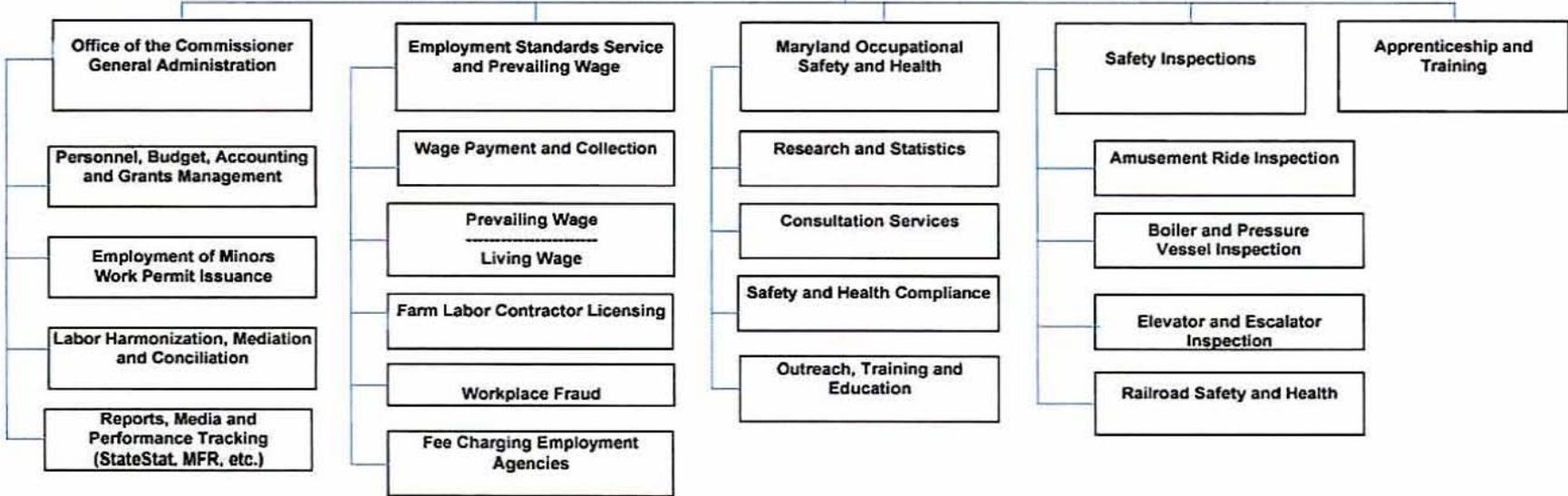
- Organizational Chart -
Division of Labor and Industry

Commissioner of Labor and Industry

Deputy Commissioner

Advisory Boards
 Amusement Ride Safety Advisory Board
 Special Advisory Committee on Elevators
 Board of Boiler Rules

Advisory Boards
 Advisory Council on Prevailing Wage
 Occupational Safety and Health Advisory Board
 Apprenticeship & Training Council



Office of the Commissioner

GENERAL ADMINISTRATION

The Commissioner of Labor and Industry provides leadership to the many programs that offer a variety of services to promote and protect the welfare of Maryland wage earners. The Commissioner, through such diverse activities as program planning, coordination and evaluation; legislation and regulation coordination and review; financial management; and personnel administration is able to guide the direction of the programs allowing the laws to be implemented. The Office of the Commissioner coordinates a staff of 192 budgeted permanent employees who provide their valuable services to the citizens of Maryland.

Administrative staff responds to public inquiries and complaints, and resolves those issues that cannot be concluded satisfactorily at the program level. Issues vary from interpretation of law, regulation, and policy for which the Division has jurisdiction, to resolution of technical issues related to the safe operation of equipment and occupational safety and health issues which affect citizens. The Commissioner's staff also provides support to the agency's advisory boards and committees, including major research and outreach efforts on topics of current concern.

Advisory board support goes beyond administrative support to include the technical research to support board hearings for adoption of new national codes and standards, variance requests and analysis of trends, and data to provide alternatives and support for positions. Representatives of the Division, including the Commissioner, routinely meet with groups from Maryland businesses, labor and civic leaders, and participate in educational seminars. The Commissioner and staff participate in national organizations such as the National Association of Governmental Labor Officials (NAGLO), the Occupational Safety and Health State Plan Association (OSHSPA), the American Society of Safety Engineers (ASSE), the American Society of Mechanical Engineers (ASME), the National Board of Boiler and Pressure Vessel Inspectors, and the National Association of State and Territorial Apprenticeship Directors (NASTAD).

The Office of the Commissioner continues to shape and develop initiatives relating to the quality and effectiveness of the Division and holds bi-weekly meetings with program personnel to ensure that Division of Labor and Industry programs remain on track in achieving goals and objectives.

Employee Physical Program

To ensure that Division of Labor and Industry field employees are capable of safely performing their duties and are not experiencing diminished health capacity as a result of their work experience, employees are medically monitored in accordance with occupational safety and health standards. The Office of the Commissioner maintains and administers an ongoing employee physical program that is serviced through an outside vendor. This program involves scheduling physical examinations for individuals assigned to the MOSH, Prevailing Wage, and Safety Inspection programs who work all across the state at various host employer locations. And, we will now be including the investigators from the newly created Workplace Fraud unit. The Commissioner takes this responsibility very seriously and must also follow up on medical recommendations and conduct performance audits to ensure the appropriateness of the physical examinations and tests conducted by the contractor.

Advisory Groups

Within the Office of the Commissioner, there are six advisory boards, councils, and committees. The expertise of these groups is used both in the decision-making process and in the promulgation of regulations. In 2009, these advisory groups conducted 14 meetings.

LEGISLATION IN 2009

There were several bills introduced and passed during the 2009 session of the General Assembly which directly affect the Division of Labor and Industry.

- **Chapter 145, Laws of 2009, HB 613 – Elevators – Inspections**
Effective Date: July 1, 2009
Summary: Requires owners to hire third-party qualified elevator inspectors to conduct periodic annual inspections. Requires the Commissioner to establish by regulation procedures for issuance of warning notices for de minimis violations.
- **Chapter 687, Laws of 2009, HB 644 – Apprenticeship and Training Fund**
Effective Date: October 1, 2009
Summary: Establishes an Apprenticeship Training Fund and requires contractors to participate in an apprenticeship training program, contribute to the fund, or contribute to an organization with a registered apprenticeship program. Allows for fees paid to the fund to be legal deductions from affected employees
- **Chapter 21, Laws of 2009, SB 082 – Amusement Attractions**
Effective Date: October 1, 2009
Summary: Requires annual inspections of each inflatable amusement attraction, rather than an inspection each time it is moved.
- **Chapter 560, Laws of 2009, SB 562 – Flexible Leave Act**
Effective Date: May 19, 2009
Summary: Allows employees to use leave with pay to care for immediate family members who are ill under the same conditions and policy rules that would apply if the employee was ill. Prohibits the employer from discriminating against an employee for taking such leave.
- **Chapter 188, Laws of 2009, SB 909 – Workplace Fraud**
Effective Date: October 1, 2009
Summary: Creates a violation of law related to employers in construction and landscaping industries who fail to properly classify individuals who perform work for remuneration paid by the employer and authorizes the Commissioner of Labor and Industry to initiate an investigation to enforce specified provisions.
- **Chapter 640, Laws of 2009, SB 991 – Crane Operator Certification**
Effective Date: October 1, 2009
Summary: Person must hold a certificate of competence to operate a tower crane.

COMMITTEE PARTICIPATION

The Commissioner of Labor and Industry and staff have been effectively involved in such diverse organizations as:

American National Safety Institute (ANSI):

ANSI A10 Construction and Demolition Sub-Groups:

A10.2 Safety, Health, and Environmental Training

A10.8 Scaffolding

A10.37 Debris Nets

A10.38 Basic Elements of a Program to Provide a Safe and Healthful Work Environment

A10.39 Safety Health Audit Program

A10.41 Equipment Operators and Supervisor Qualifications and Responsibilities

American Society of Safety Engineers (ASSE)

Asbestos Oversight Committee

Baltimore City Local Emergency Planning Committee

Chesapeake Region Safety Council

Controlled Hazardous Substances Advisory Council

Council for Amusement & Recreational Equipment Safety (CARES)

Delmarva Safety Association

Department of Health and Mental Hygiene Contagious Diseases Committee

Maryland Explosives Advisory Committee of the Fire Marshal's Office

Governor's Commission on Migratory and Seasonal Farm Labor

Governor's Task Force on Public Works and Service Contract Wages

Interagency Noise Control Committee

Interstate Labor Standards Association

Maryland Commission on Correctional Standards Advisory Committee

Maryland Fire Chiefs Firefighter Safety Council

Maryland Safety and Health Conference Planning Committee

Mayor of Baltimore Hazardous Materials Council

National Association of Elevator Safety Authorities

National Board of Boiler and Pressure Vessel Inspectors

National Fire Protection Association (N.F.P.A)

National Safety Council

Operation Lifesaver; Rail Safety Education

OSHA Redesign User Group

OSHA Health Outcomes Task Group

National Association of OSHA Consultation Programs

Occupational Safety and Health State Plan Association (OSHSPA)

Public Employees Safety Association of Maryland (PESA)

Public Risk Management Association (PRIMA)

Safety and Health Achievement Recognition Program (SHARP) Flag Committee

EMPLOYEE STOCK OWNERSHIP PLAN

The Broadened Ownership Act, Article 83, Section 1-206, *Annotated Code of Maryland*, directs designated State agencies to encourage participation in employee stock ownership plans. The Act requires that the promotional efforts employed on behalf of these plans be discussed in the annual legislative report of each designated agency. During 2009, the Division of Labor and Industry received no requests for the brochure "Employee Stock Ownership Plan," which was developed in response to the Act.

Employment Standards

Created in 1965 to enforce Maryland's Minimum Wage Law, the Employment Standards Service traditionally has been responsible for enforcing the following Maryland laws:

Labor and Employment Article

| | |
|-----------------------------|---------------------|
| Employment of Minors | Title 3, Subtitle 2 |
| Equal Pay for Equal Work | Title 3, Subtitle 3 |
| Wage and Hour Law | Title 3, Subtitle 4 |
| Wage Payment and Collection | Title 3, Subtitle 5 |
| Lie Detector Tests | Title 3, § 3-702 |
| Medical Questions | Title 3, § 3-701 |
| Farm Labor Contractors | Title 7 |

Business Regulation Article

| | |
|---------------------|---------|
| Employment Agencies | Title 9 |
|---------------------|---------|

WAGE PAYMENT AND COLLECTION

The Wage Payment and Collection Law requires that an employee be paid what was promised. The law imposes certain duties on an employer and establishes the time when wages must be paid upon termination of employment.

Wage Payment and Collection Activity for 2009

| | |
|--|--------------|
| Claims filed | 1,545 |
| Investigations completed | 1,430 |
| Claims with wages paid to employees | 469 |
| Dollars collected without legal action | \$314,310.42 |
| Collected by legal action | \$337,017.70 |
| Total wages collected | \$651,328.12 |

WAGE AND HOUR

The Wage and Hour Law requires that all covered employees be paid the specified minimum wage rate, and 1½ times the usual hourly wage for hours worked in excess of 40 in one workweek. Certain establishments and employees are exempt from both the minimum wage rate and overtime provisions of the law. Others are exempt only from the overtime provisions.

Consistent with the Federal minimum wage increase, on July 24, 2009, Maryland's minimum wage rate was increased to \$7.25 per hour with the tip credit being increased to \$3.63 per hour.

Funding for the enforcement of the Wage and Hour Law was eliminated in 1991. With the exception of the enforcement of Maryland's higher minimum wage rate, matters involving overtime complaints are referred to the U.S. Department of Labor, Wage and Hour Division.

EMPLOYMENT OF MINORS

The Employment of Minors Law restricts the occupations and hours of work for minors 14 through 17 years of age and imposes certain obligations on both minors and employers. An employer must have a valid work permit issued by the Commissioner of Labor and Industry or a designated issuing officer before a minor is permitted to work.

| Employment of Minors Activity for 2009 | |
|---|---------------|
| Work permits issued | 39,077 |

The application process was modified and is now available online through the DLLR web site at <http://www.dlir.state.md.us/labor/wages>. Issuing officers from most secondary schools in Maryland can access the system and issue permits, as well as most Division of Labor and Industry offices. In order to ensure compliance, the Division does respond to complaints received from parents and the public. Upon investigation, the Division of Labor and Industry notifies employers of apparent violations and seeks compliance with the requirements. Special permits for child actors or models of any age are issued by the Commissioner upon evaluation of the circumstances, ensuring that the child is working in a safe environment, has proper supervision and as a result of the work experience, does not suffer damage to educational enrichment.

LIE DETECTOR TESTS

Section 3-702 of the Labor and Employment Article, *Annotated Code of Maryland*, prohibits an employer from requiring an applicant for employment to submit to a lie detector test in order to be hired, or from requiring an employee to submit to a lie detector test as a condition of continued employment. The law requires that certain language appear on every employment application. The Division responds to inquiries related to this law and provides guidance to employers. Exemptions from this law are codified for certain law enforcement officials and applicants applying for jobs involving a national security interest.

EQUAL PAY FOR EQUAL WORK

Men and women performing the same or similar work must be paid equally. Employers are permitted to consider merit, longevity, skill, and shift work when determining pay rates for workers.

The 2004 Maryland General Assembly established the Equal Pay Commission for the purpose of certain issues relating to equal pay and to report preliminary and final findings to the Governor, the Senate and the House. The Commission was followed by Chapter 114, Acts of 2008, Pay Disparity Data – Reporting, which requires the Commissioner to collect information related to the gender and race of employees in addition to job classifications and wages. The legislation also allows the Division of Labor and Industry to analyze the data collected and submit a report to the General Assembly by October 2013.

FARM LABOR CONTRACTORS

The Division of Labor and Industry is charged with administering the Farm Labor Contractors Law that was designed to improve the migratory labor system in Maryland. A Farm Labor Contractor (FLC) is someone who, for money or other valuable consideration paid or promised to be paid, recruits, solicits, hires, employs, furnishes or transports migrant and/or seasonal agricultural workers or provides housing to migrant agricultural workers.

Before performing any farm labor contracting activity in Maryland, a farm labor contractor must obtain a license from the Commissioner. The law, effective since 1983, requires all farm labor contractors who work in Maryland to be licensed by the Commissioner of Labor and Industry. Additionally, the law imposes duties on farm labor contractors regarding the employment, housing, and transportation of migrant agricultural workers. An agricultural operation, or "grower", should verify that a farm labor contractor is licensed before using the contractor's services by contacting the Office of the Commissioner.

Farm Labor Contractor Licenses for 2009

| | |
|-------------------------|---|
| Applications received | 9 |
| Licenses issued | 9 |
| Licenses denied | 0 |
| Applications incomplete | 0 |

The Division of Labor and Industry continues to process farm labor contractor license applications and issue licenses to qualified applicants to allow them to be in compliance with the law. Where appropriate, complaints are referred to the U.S. Department of Labor. There were no citations issued for violations of the Farm Labor Contractors Law during 2009.

MARYLAND EMPLOYMENT AGENCY ACT

The Maryland Employment Agency Act lays out the definition of an employment agency but does not require licensing. Employment agencies are required to obtain a penal bond and submit the bond to the Commissioner of Labor and Industry. The law prohibits employment agencies from engaging in specific activities, and demands that certain procedural requirements be met. Since July 1, 2003, if bonds are not obtained the Commissioner may require a hearing to demonstrate why the employment agency should not be sanctioned. Civil penalties of up to \$1,000.00 may be assessed for noncompliance.

Apprenticeship and Training

HISTORY

Apprenticeship is a system which prepares individuals for occupations requiring a broad range of high level skills and related technical knowledge. The apprentice learns the “how-to” in on-the-job training under the direction of highly skilled craft persons, and the “why” in related technical instruction classes. Because highly skilled workers play such an important role in our economy and provide a competitive edge for so many industries, the apprenticeship system has become an integral part of the State’s workforce training strategy.

The Maryland Apprenticeship Act was passed by the General Assembly in 1962, establishing a Maryland Apprenticeship and Training Council (MATC) in the Maryland State Department of Education. After several organization and legislative changes over the years, in 1995 MATC was placed into the Department of Labor, Licensing, and Regulation (DLLR).

The Maryland Apprenticeship Act has as its purpose to:

- Encourage the development of a voluntary apprenticeship and training system through the cooperation of management, labor, and interested State agencies.
- Establish standards of apprenticeship and training to safeguard the welfare of apprentices.
- Contribute to a healthy economy by helping develop a skilled labor force sufficient in numbers and quality to meet the expanding needs of Maryland industry and attract new industry.
- Open to all people the opportunity to obtain training in skilled trades which would equip them for profitable employment.

SERVICES OF THE MARYLAND APPRENTICESHIP PROGRAM

Apprenticeship is a voluntary, industry driven program which is sponsored by employers, employer associations, and jointly by management and labor. An apprentice, as an employee, receives supervised, structured on-the-job training combined with related technical instruction (usually classroom study at union training centers, community colleges, public post-secondary schools or company sponsored in-house classroom training) in a specific occupation.

Apprenticeship in Maryland is open to anyone age 16 and older; however, an employer may set a higher entry age or, by law, individuals must be 18 to apprentice in specified hazardous occupations. About 7.1 percent of Maryland's newly registered apprentices are between the ages of 18-20. Maryland sponsors have registered apprentices in 230 different skilled trades which are representative of the State's economic base. More than 9,967 apprentices have received training throughout Maryland as of December 31, 2009.

The Maryland Apprenticeship and Training Program (MATP) has the responsibility for day-to-day operations, which includes registering and certifying program sponsors, monitoring, issuance of apprentice completion certificates, maintenance of a statewide database, staffing six Council meetings annually, and marketing and promoting the apprenticeship system. MATP staff covers all of the State's 23 counties and the City of Baltimore, providing technical assistance to existing program sponsors and apprentices. Targeted marketing is provided in various industry sectors to attract additional sponsors to increase skills for continued workforce development. For industry sponsors, this technical assistance may include:

- Analyzing training needs and developing apprenticeship standards;
- Locating or developing related technical instruction curricula;
- Constructing effective on-the-job training schedules consistent with industry developed standards;
- Assisting in developing apprentice recruitment procedures to meet Equal Employment Opportunity and Affirmative Action requirements;
- Compiling and disseminating labor market information on apprenticeship and national and local industry training needs;
- Conducting program evaluations and quality assessment reviews;
- Registering and canceling apprentice agreements and issuing completion certificates;
- Representing sponsors on all matters presented to the MATC; and
- Facilitating the process associated with receiving veteran education benefits.

DEMOGRAPHIC PROFILE OF A MARYLAND APPRENTICE

A Maryland Apprentice:

- Is usually a high school graduate, or equivalent.
- Generally begins a three to five-year apprenticeship between the ages of 21 – 24, and completes it between 25 – 28 years of age.
- Works full time and attends a minimum of 144 hours of classroom instruction per year at one of the State's 18 community colleges, or receives equivalent instruction such as correspondence, company or union sponsored in-house instruction.

As a worker primarily in private sector employment, the apprentice:

- Is being trained in one of 230 currently registered highly skilled trades by one or more of 3,179 employers participating in apprenticeship around the State.
- Is one of 9,967 active apprentices in the State.
- In fiscal year end 2009, worked in the construction trade (82.3%), worked in the service industry (15.9%) or worked in the manufacturing sector (1.8%).
- May be one of the 38% who are minorities, and /or 4.6% who are female.
- Will earn varying starting wages and wages earned on completion of apprenticeship depending on the sector of the workforce involved.

An apprentice may be learning a high level skill in one of these typical trades:

- **Construction:** Electrician, plumber, carpenter, steamfitter, bricklayer, temperature control technician, or structural steel worker.
- **Manufacturing:** Machinist, tool and die maker, printer, millwright, or cabinet maker.
- **Service Industry:** Automotive technician, firefighter, mortician, electronic technician, dietetic technician, or refrigeration mechanic.

APPRENTICESHIP PROGRAM OUTCOMES

- Of those who started, 37.8% of Maryland's apprentices completed their training. Many of those who did not complete remained in their industry.
- Over the last 28+ years, 78,214 Marylanders began an apprenticeship.
- 29,513 Marylanders have completed their training.
- Apprentices earn while they learn, adding revenue to the tax base during training and can increase their earnings by up to 60% upon completion of their training.

APPRENTICESHIP AND TRAINING PROGRAM STAFF

Apprenticeship and Training Field Representatives serve as a key resource for businesses that have long-term training needs, and with other employment and training systems (WIA, Job Service) and State and local educators. In their promotional efforts, the field representatives prepare materials for potential sponsors and community-based organizations, and make presentations to industry, labor, education groups, and other public/private organizations. Efforts are made to target growth industries and occupations by disseminating technical information to stimulate industry interest in apprenticeship; ensuring equal employment opportunities for women, minorities, youth and the handicapped and providing technical assistance to achieve high quality in all apprenticeship programs.

There are currently three full-time and one part-time Apprenticeship and Training Field Representatives serving the State of Maryland. Each of these specialists is assigned geographical areas within the State to service and support sponsors, programs and apprentices. These positions are supported by one Administrative Assistant, one Program Manager and one Program Director. Staff duties include the following activities which are recorded below:

Technical Assistance

This activity is given the highest priority and consumes the most time. This process involves a communication initiated by phone or letter in which a sponsor has an issue regarding modification of program standards, personnel changes, maintenance issues with the program, or other technical matters. This activity requires a visit to the site regardless of the location in the State, and can take up to two days to process and complete. Because this process cannot be forecasted, it does impact the scheduling of staff. Telephone contacts are received daily from interested individuals seeking information about apprenticeship programs. Routine calls are also received daily from apprenticeship program sponsors, companies and apprentices that can be resolved over the telephone, but are not recorded or tracked.

Compliance Review Visits

This activity is required and governed by both regulation and Council mandate. This process involves comprehensive analysis and evaluations of each aspect of the apprenticeship program, including on-site investigations and audits. A compliance review process can take up to a week or more to complete depending on the size of the program.

Marketing and Development Visits

This activity involves participation in job fairs, public events, meetings and initial responses to help formulate new apprenticeship programs. Events are tracked and monitored monthly. This activity also includes future growth in existing programs and the ability to respond to changing market demands.

Occupational Safety and Health

HISTORY

The Williams-Steiger Occupational Safety and Health Act (OSHA) of 1970 charges the U.S. Department of Labor with responsibility for establishing a program assuring "so far as possible every working man and woman in the nation, safe and healthful working conditions." The Act provides that states may elect to assume the responsibility for development and enforcement of a state occupational safety and health program.

In March 1971, the Governor designated the Division of Labor and Industry as the agency responsible for Maryland's Occupational Safety and Health (MOSH) Plan. Authority and enforcement responsibilities were assumed on July 1, 1973. On July 18, 1985, the Maryland Program received final approval and full enforcement authority in all subject areas covered by the State Plan.

MOSH acts in place of Federal OSHA in Maryland, eliminating duplication of requirements and programs for Maryland employers and employees. Federal OSHA retains coverage for workers in the maritime and longshoring industries, as well as private sector employers working on federal property in Maryland. The mining industry is exclusively covered by the Federal Mine Safety and Health Administration (MSHA). MOSH is charged with ensuring that each employer meets their responsibility of providing each working man and woman in the State with safe and healthful working conditions. The MOSH Program also administers the Access to Information about Hazardous and Toxic Substances Law, Labor and Employment Article, Sections 5-401 through 5-409, *Annotated Code of Maryland*.

The MOSH Program consists of five units: Office of the Assistant Commissioner, Compliance, Outreach, Consultation and Research and Statistics.

OFFICE OF THE ASSISTANT COMMISSIONER

The Office of the Assistant Commissioner administers the MOSH Program. This office has direct responsibility for program planning and policy-making, program analysis and evaluation, and staffing and resource allocation. The Office of the Assistant Commissioner also ensures the appropriate implementation of new laws and monitors the development of new federal standards. The MOSH Program remained current in its adoption of federal standards in 2009.

The Office of the Assistant Commissioner for MOSH also responds to requests under the Maryland Public Information Act (MPIA) for copies of documents maintained by the MOSH Program. The office received 190 requests for information during 2009.

Significant Legislative and Regulatory Changes

- On January 30, 2009, the Division of Labor and Industry's newly proposed crane regulations were published in the *Maryland Register*. On March 27, 2009, the Notice of Final Action was published, and the new crane regulations under COMAR 09.12.26 – Crane Safety became effective on April 6, 2009. Also, on this date MOSH Standard Notice 09-2 was enacted that allowed for a transition period for employers. As such, citation issuance was scheduled to begin on January 1, 2010; allowing employers found to be in violation of COMAR 09.12.26 to be issued a "Letter of Non-Compliance" through December 31, 2009.
- In the spring of 2009, Governor Martin O'Malley signed into law the Maryland Safe Crane Operators Act, effective October 1, 2009. The new law requires all tower cranes to be operated by a certified tower crane operator. This certification must be carried by the operator at all times while the crane is in operation, and presented to the Commissioner or his representative at any time. If it is found that the operator does not have a certification card, they may be subject to a fine not to exceed \$1,000. This law also covers those who authorize the use of a tower crane without a certified operator.

Accomplishments/Notable Cases

- In anticipation of the adoption of Maryland's new crane regulations, MOSH developed and scheduled educational seminars on COMAR 09.12.26. In all, seven seminars were held throughout the State and a total of 221 people representing companies, organizations, labor, and operators attended.
- MOSH developed and implemented a new educational seminar on injury prevention in nursing homes. Four two-day seminars were scheduled between January – April 2009. The seminars were conducted by an Industrial Hygienist and were well-received, with 142 participants attending the four classes.
- In April 2009, MOSH adopted a formal training program for new Compliance Safety and Health Officers (CSHO's) that parallels the federal training standard TED 01-00-018. A three-person team consisting of a supervisor, a senior CSHO, and a senior Industrial Hygienist developed a curriculum that requires newly hired CSHO's to participate in over 400 hours of classroom training. CSHO's will be required to take quizzes, a mid-term, and a final exam earning a score of at least an 80. In their first year in the field, CSHO's shadow a senior CSHO before being allowed to perform inspections on their own. In all, newly hired CSHO's will have received at least 18 months of direct classroom training and one-on-one field training.

- In September 2009, MOSH entered into its fiftieth Cooperative Compliance Partnership. Since the program began in 1997, there have been 15 different contractors that have participated involving more than \$3.9 billion of new construction. The program creates a partnership between a general contractor, its subcontractors and labor units to work together using best practices and goals to reduce injuries and illnesses on some of the State's largest construction jobsites.
- In May 2009, MOSH Compliance issued two willful citations totaling \$64,000 to a general contractor in the fatality of a subcontractor's employee. The employee was hanging aluminum gutters when an overhead 13.2kV line was contacted, resulting in the electrocution of the employee. The citations were issued for allowing employees to work in close proximity to energized power lines and for the failure of the employer to perform a jobsite survey noting any energized electric power circuits. The State of Maryland has also started legal proceedings to prosecute the general contractor under the Maryland High Voltage Line Act. This act allows for a maximum fine of \$1,000 or imprisonment of not more than one year. Criminal proceedings in this case are ongoing.
- Also, in 2009 MOSH issued four willful citations, 13 serious citations, and 14 other-than-serious citations to a local poultry processing plant, spanning three accident investigations and one comprehensive inspection. The penalties totaled more than \$169,000. One accident investigation is ongoing, and the case remains open.

MOSH Enforcement

Compliance

Enforcement is the largest unit within the agency. It houses more than 55 compliance officers located within five regions throughout the State. The main headquarters for the agency is located in Baltimore, with field offices located in Easton, Bel Air, Laurel and Hagerstown. Each office covers a number of counties and provides compliance officers specializing in safety and industrial hygiene.

In 2009, MOSH adopted several Local Emphasis Programs (LEP), National Emphasis Programs (NEP) and Instructions. These emphasis programs and instructions, along with the high-hazard industry business list, directed compliance officers to employers and industries requiring the most attention in 2009. Compliance officers also respond to complaints filed by employees or their representatives, professional referrals, serious accidents, imminent danger calls, fatalities, and catastrophes. These unscheduled activities are prioritized to ensure appropriate and timely response based on the seriousness of each situation.

In mid-December 2009, MOSH implemented an agreement with Maryland Emergency Management Agency (MEMA). Under this agreement, MEMA will act as a call center for off-hour's emergency calls that were previously handled by a duty officer. From 3:30 p.m. to 8:30 a.m., the emergency telephone number is transferred to the Maryland Joint Operations Center

(MJOC), the call center at MEMA. If the call requires immediate attention (imminent danger, fatality, or catastrophe), a MEMA representative will contact the proper MOSH personnel. From 8:30 a.m. to 3:30 p.m., the emergency line is transferred to the Operations unit. After a three month trial period, MEMA will handle the emergency line 24/7. This agreement allows for MOSH to better respond to emergencies, and unites all related emergency response units from local and state government in the event of an emergency.

During 2009, compliance officers conducted 1,540 inspections, removed 54,650 employees from hazardous conditions, and identified 6,976 hazards. In 2009, compliance officers investigated 104 complaints with serious hazards noted as concerns. There were 22 fatalities investigated. In keeping with the agency's effort to educate employers and employees, compliance officers distribute MOSH literature to each employer they inspect.

MOSH trains its compliance officers to the fullest extent possible. Thirty-three compliance officers attended the OSHA Training Institute (OTI) in 2009. Topics covered in these courses included: Introduction to Health Standards for Industrial Hygienists, Accident Investigation, Applied Spray Finishing and Coating Principles, Applied Welding Principles, Cranes and Rigging, Evaluation of Safety and Health Management Systems, Fall Arrest Systems, Industrial Noise, Inspection Techniques and Legal Aspects, Machinery and Machine Guarding Standards, Power Press Guarding, Principles of Industrial Ventilation, Safety Hazard Awareness for Industrial Hygienists, and Safety and Health for Oil and Gas Well Operations. By attending these training courses, compliance officers develop their specialized skills as highly trained investigators. OTI trainers were also brought in to train MOSH field staff in Crane and Rigging Safety for Construction. MOSH adopted the federal training directive with minor changes, and will continue this type of training in 2010.

Discrimination

MOSH is charged with handling discrimination complaints under the MOSH Act, pursuant to Section 5-604, and COMAR 09.12.20.05. It is the policy of MOSH to make the agency as accessible as possible to those who have legitimate discrimination complaints concerning safety and health.

Timely filed discrimination complaints are investigated by a MOSH discrimination investigator who recommends appropriate case dispositions to the Commissioner or his authorized representative at the conclusion of the investigation. The Commissioner or his authorized representative make the final determination in the case and notifies the complainants of the determination. When there is a merit determination in a case, the case is transferred to the Office of the Attorney General (OAG), as counsel to the Commissioner, for litigation as appropriate. When there is a non-merit determination in a case, the case is dismissed. The OAG provides legal assistance, as necessary, during the investigation. In 2009, twenty-three discrimination complaints were filed and investigated by MOSH.

In addition to investigating discrimination complaints related to occupational safety and health, MOSH provides assistance, information and referrals on discrimination via telephone inquiries from employers, employees, the general public, and local, state and federal government agencies.

MOSH Activity 2009

| | Voluntary compliance sites | Inspections | Violations | Employees removed from exposure | Training Classes | Training participants | Other Persons Affected | Complaints w/ serious hazards inspected | Fatalities investigated | Fatalities investigated <1 day of notification | Discrimination complaints |
|---------------|----------------------------|--------------|--------------|---------------------------------|------------------|-----------------------|------------------------|---|-------------------------|--|---------------------------|
| Jan-09 | 0 | 138 | 575 | 5,223 | 8 | 280 | 520 | 12 | 0 | 0 | 1 |
| Feb-09 | 0 | 123 | 548 | 3,947 | 10 | 421 | 1030 | 11 | 4 | 4 | 0 |
| Mar-09 | 1 | 117 | 538 | 4,138 | 11 | 306 | 523 | 8 | 1 | 1 | 1 |
| Apr-09 | 2 | 84 | 549 | 4,439 | 8 | 261 | 715 | 10 | 2 | 2 | 1 |
| May-09 | 0 | 118 | 593 | 8,698 | 8 | 174 | 264 | 6 | 3 | 3 | 3 |
| Jun-09 | 1 | 181 | 860 | 5,618 | 6 | 179 | 545 | 10 | 2 | 2 | 5 |
| Jul-09 | 0 | 191 | 635 | 3,158 | 3 | 61 | 371 | 12 | 3 | 3 | 5 |
| Aug-09 | 1 | 122 | 509 | 4,251 | 10 | 178 | 100 | 9 | 1 | 1 | 1 |
| Sep-09 | 1 | 90 | 493 | 6,184 | 9 | 189 | 752 | 6 | 0 | 0 | 2 |
| Oct-09 | 0 | 97 | 485 | 3,496 | 16 | 425 | 769 | 6 | 2 | 2 | 2 |
| Nov-09 | 1 | 170 | 700 | 2,982 | 8 | 193 | 210 | 4 | 1 | 1 | 1 |
| Dec-09 | 0 | 109 | 491 | 2,516 | 6 | 165 | 99 | 10 | 3 | 3 | 1 |
| Total | 7 | 1,540 | 6,976 | 54,650 | 103 | 2,832 | 5,898 | 104 | 22 | 22 | 23 |

Outreach Programs

The MOSH Program offers a variety of ways for employers and employees to participate and work with the agency through Alliances, Partnerships, Education, and Consultation.

Alliances

The Alliance Program allows the agency to partner with trade or professional organizations, businesses, labor organizations, educational institutions and other government agencies that are committed to safety and health. Resources and expertise are leveraged to develop compliance assistance tools and resources and to share information with employers and employees to ultimately help prevent injuries, illnesses, and fatalities in the workplace.

Active Alliances in 2009

Maryland Fire Rescue Institute (MFRI) Alliance shares training resources within each organization such as classroom space, training materials, and training classes. Through a Susan B. Harwood Grant, MFRI presented a Trenching and Excavation Competent Person class in both English and Spanish. MFRI has continued to offer the Trenching and Excavation classes as part of MOSH's Safety and Health Educational Seminars schedule even after the Susan B. Harwood Grant ended.

Maryland Home Builders Safety Alliance (MHBSA) fosters a safer and more healthful work environment in the residential construction industry, including outreach to the non-English speaking workforce. Working together MHBSA and MOSH facilitated and conducted formal training for various trade industries, including masonry, framing, siding, and roofing with a focus on falls, electric shock, "struck by", and "caught in" since its inception. In 2009, the MHBSA produced a pictorial handout to coincide with the implementation of Maryland's new crane regulations and to assist in the agency's Outreach efforts to the construction industry.

State Highway Administration (SHA) Alliance continues to bring two agencies together to pool resources and knowledge to reduce the injury and illness rates on highway construction throughout the State. Monthly site data from each state highway contract across Maryland is shared and disseminated throughout the State.

Partnerships

There are three opportunities for employers in Maryland to partner directly with the agency and voluntarily exceed the minimum requirements of the law and regulations set forth by MOSH/OSHA. These three programs consist of the Voluntary Protection Program (VPP), the Safety and Health Achievement Recognition Program (SHARP), and Cooperative Compliance Partnerships (CCP). In 2009, these partnering programs identified, through application and

review, seven locations where voluntarily compliance and cooperation between labor and management far exceeded expected performance. As a result, MOSH and the location employers entered into voluntary compliance agreements (each outreach program is discussed in further detail below). These programs are implemented to allow Maryland employers, labor, and MOSH to work harmoniously and build a relationship that ultimately reduces injuries and illnesses beyond what traditional enforcement achieves. These three partnership opportunities are prestigious and hard to achieve; companies that rise to the standards required of this type of partnership are looked upon as leaders in safety and health.

Voluntary Protection Program (VPP)

The Maryland Voluntary Protection Program (VPP) is a cooperative effort by MOSH and participating employers to extend worker protection beyond the minimum required by MOSH standards. VPP is designed to recognize the outstanding achievements of participating employers who have successfully incorporated comprehensive safety and health management plans into their total management system. They motivate other employers to achieve excellent safety and health performance in the same manner and enable employers to establish a cooperative relationship with MOSH.

In calendar year 2009, MOSH completed and approved the certification process for Life Technologies Corporation and the Blue Linx Corporation, both located in Frederick, Maryland. With these latest approvals, there are 14 active VPP Star sites in Maryland. In addition, VPP re-certification evaluations were conducted and approved for the Monsanto Galena Research Station in Galena and the Northrop Grumman Electronic Systems campus in Baltimore. The MOSH VPP Coordinator conducted five VPP pre-application visits with prospective VPP sites during the year. The Coordinator also attended the 2009 National VPPPA Conference in San Antonio, Texas and the 2009 OSHA Region III VPPPA Conference in Baltimore. As a non-voting member of the OSHA Region III VPPPA Board of Directors, the Coordinator also attended board meetings in Washington, D.C. and Pittsburgh, Pennsylvania, where planning took place for the 2010 Region III Conference to be held in Pittsburgh, Pennsylvania. Monthly Board telephone conference calls were also attended.

Cooperative Compliance Partnerships (CCP)

In 2009, MOSH continued to expand its CCP Program by signing three new partnerships. This brings the program's total to 51 partnerships since its inception in 1997. Since the program began nearly 12 years ago, approximately \$4 billion of new construction has been under contract through the partnerships with injury and illness rates near zero. In 2009, there were 14 active sites with 6,563 employees working on these sites throughout the State with no serious injuries or fatalities. The new partnerships entered into include:

| CCP Signing Ceremonies 2009 | | |
|---|--|------------------|
| Company Name | Project Name | CCP Signing Date |
| Coakley & Williams Construction Inc. | Rockville District Courthouse | 6/5/2009 |
| P.J. Dick, Inc. | School of Public Health Renovation Project University of Maryland | 9/30/2009 |
| Warner Construction Division of R.W. Warner, Inc. | Frederick County Public Schools Central Office Building | 11/18/2009 |

The CCP Program is currently reviewing four new applications for 2010 with total project values of over \$96 million. The program expects to receive more applications for 2010 and continues to expand its number of partnerships. The response to this vigorous program and the resulting verified reductions in injuries and illnesses is changing the culture of construction in Maryland. The total recordable case injury and illness rate for Maryland construction, reported in 2009 for 2008 data, was at a record low of 3.9. In addition, the program holds three meetings a year, bringing in all participating partners to share technical updates, work on initiatives together, and strengthen the informational relationship between the industry and MOSH.

Education

The Education Unit provides the public with information pertaining to MOSH/OSHA laws and regulations. It provides free-of-charge flyers, fact sheets, brochures, pamphlets and books to employers inquiring about compliance issues. The unit also has a video library that contains several hundred titles on safety and health issues that employers can check out to assist in their training of employees. The Education Unit also maintains a reference library with several hundred books, national consensus standards and more for employers to research. The MOSH Education Unit also provides speakers for employers who want to teach their employees about specific topics, as well as setting up informational booths at safety fairs and conventions throughout Maryland. This unit is also responsible for providing free public seminars on a variety of safety and health topics. A public website at <http://www.dllr.state.md.us/labor/mosh> is also maintained by this unit where employers and employees can search for regulations, publications, class schedules and general information about MOSH. In 2009, MOSH continued to enhance it's website to make it more user-friendly. The public can now register for training seminars directly from the website. The new website will be available in the spring of 2010.

In 2009, MOSH again continued tracking the number of employees that were affected by MOSH personnel using non-traditional enforcement methods of intervening to prevent or eliminate exposure to hazardous conditions. Although these interventions are not typical enforcement inspections, they have lasting effect upon the target and other affected employees.

On sites or locations where MOSH may not have legal authority to issue citations, MOSH is able to address hazards observed that would otherwise continue, by initiating an intervention. With every speech or presentation made by the Commissioner, and where employers or employees are provided safety education, or taught the importance of building a safety culture, MOSH tracks the persons affected. In 2009, MOSH was able to reach 1,375 employees and educate them through interventions or speeches given at CCP signing ceremonies.

Public Presentations

Calendar year 2009 was a big year for the Education Unit. The unit continued to develop and hand out its bi-annual seminar schedule. Classes continued to be revamped and several new seminar topics were added. The majority of these seminars were instructed by 12 CSHOs; in 2009, seven new CSHO's joined the ranks bringing the total number of CSHOs to 19. A bulk mail permit was obtained to save postage costs and used to mail schedules out to several hundred employers throughout the State.

In 2009, MOSH held 103 educational seminars with 2,832 participants across the State. Topics were varied and included everything from construction site safety to industrial hygiene issues in construction and workplace violence to Maryland's new regulations on cranes. MOSH was able to add a number of new seminars to the schedule covering topics such as powered industrial trucks and machine guarding. All of the seminars provide technical information and give employers and employees the opportunity to ask questions and give scenarios without the fear of repercussion. Every educational seminar is provided free of charge to all participants and range anywhere from a half day to two days of presentation. Along with providing free educational seminars, MOSH responds to employer requests for speakers on a variety of topics provided that they meet minimum guidelines. In 2009, MOSH was able to conduct 72 speaking engagements with a total of 4,523 participants. In all, MOSH staff was able provide over 17,500 hours of free training for employers and employees throughout Maryland.

MOSH considers teen safety among one of its highest priorities. In 2009 MOSH conducted eight speaking engagements on teen safety involving 290 high school students soon to be entering the workforce. Information on teen safety in the workforce was handed out at speaking engagements, as well as other venues.

In keeping with the agency's leading efforts to educate the Hispanic workforce, seven educational seminars were held in Spanish covering three different topics: Excavacion de trincheras (Trenching and Excavation); Proteccion contra caidas para trabajos sobre techo (Roofing and Framing Fall Protection); and Seguridad en la Construccion (Construction Site Safety). In all, 153 participants attended the classes held in Maryland. These seminars were held in cooperation with our Alliance partners including the Maryland Fire and Rescue Institute (MFRI) and Maryland Home Builders Safety Alliance (MHBSA).

In 2009, MOSH attended 10 safety conferences and trade shows handing out literature and information to 1,995 attendees.

Videos and Publications

The MOSH Education Unit maintains a popular audio/visual lending library of over 380 video/DVD titles on a wide variety of safety and health-related topics. During 2009, 403 employers requested and were loaned videos/DVDs. In an effort to collect information relating to the usefulness of the training data for the audio/visuals loaned, a survey is distributed along with each video/DVD borrowed. The data from the surveys returned indicates that approximately 6,084 employees viewed the videos/DVDs. As MOSH believes that educating the Hispanic community is very important, the MOSH audiovisual library currently has 37 video titles in Spanish.

CONSULTATION

Private Sector Consultation

Private Sector Consultation assists private sector employers, free of charge, to achieve voluntary compliance with MOSH laws, standards and regulations, and to improve safety, health, and ergonomic conditions in the workplace.

At the request of an employer, a consultant conducts an on-site visit which includes an opening conference, a "walk-around" survey to identify apparent violations and hazards including air sampling when necessary, a closing conference to set a schedule for correction of hazards, and a written report.

The Private Sector Consultation Program is separate from MOSH Compliance. No citations or penalties are issued. However, an employer is obligated to correct any imminent danger violation immediately, and all serious hazards within an agreed upon correction schedule. Highest priority is given to small, high-hazard employers. An employer may request a survey of an entire worksite or a specific area of concern. When necessary, follow-up visits are made to ensure the correction of serious hazards.

In addition to on-site hazard surveys, Private Sector Consultation provides assistance through correspondence, telephone calls and meetings, safety and health program assessments and assistance, and limited formal or informal training on-site regarding conditions observed during a survey.

In 2009, the Private Sector Consultation Program completed 211 on-site hazard surveys. Thirty follow-ups or training visits were also completed during 2009. Based on closing conference dates during the same period, 836 serious hazards and 932 other hazards were found.

Public Sector Consultation

MOSH Public Sector Consultation provides assistance to prevent injury and illness to state, county, and municipal employees. On the request of an agency representative, a MOSH consultant conducts an on-site visit following the same procedures as Private Sector Consultation. In addition, the unit provides off-site assistance such as standards interpretation and training.

In 2009, Public Sector Consultation completed 16 on-site hazard surveys. One follow-up visit was also completed during 2009. Based on closing conference dates during the same period, 131 serious hazards and 81 other hazards were found.

Safety and Health Achievement Recognition Program (SHARP)

The Safety and Health Achievement Recognition Program (SHARP) recognizes small employers who operate an exemplary safety and health management system. Acceptance into SHARP by MOSH is an achievement of status that will single employers out among their business peers as a model for worksite safety and health and will reap rewards for the business. In 2009, four Maryland SHARP employers were granted renewals.

RESEARCH AND STATISTICS

The MOSH Research and Statistics Unit is responsible for developing and implementing programs that generate statistical data on fatal and nonfatal occupational injuries and illnesses.

BLS Survey of Occupational Injuries and Illnesses (SOII)

In cooperation with the U.S. Department of Labor Bureau of Labor Statistics (BLS), the MOSH Research and Statistics Unit conducts the Survey of Occupational Injuries and Illnesses (SOII) Program. Each year, approximately 4,800 Maryland business establishments, which are selected through a random statistical sampling process, participate in this survey. SOII estimates the number and frequency (incidence rates) of nonfatal workplace injuries and illnesses. The injury and illness estimates are based upon logs kept by employers during the year. The number of injuries and illnesses reported in any given year can be influenced by changes in the level of the State's economic activity, working conditions, work practices, worker experience and training, and the number of hours worked. The survey also provides details on the demographics of the most seriously injured and ill workers (e.g., occupation, sex, race, and length of service), along with the characteristics of their injuries (e.g., nature of injury/illness, part of the body affected, event or exposure, and source of the injury/illness).

The SOII, one component of the Bureau of Labor Statistics' national occupational injuries and illnesses surveillance program, is the primary source for charting the nature and magnitude of the nonfatal workplace injury and illness problem across the country. Policy makers in both the public and private sectors use the statistics.

The business community, government agencies, labor organizations, manufacturers of safety equipment, safety and health researchers and academicians are also users of the SOII data. The Bureau of Labor Statistics includes Maryland's SOII results when compiling the national statistics. Maryland Occupational Safety and Health uses the SOII data for agency performance measures and to identify high-hazard industries requiring outreach and intervention. Maryland employers use the SOII data to measure the effectiveness of their safety programs by comparing their individual establishment's injury and illness rate with the aggregate state and national rates for their respective industries. Federal OSHA uses the survey data to measure the effectiveness of certain MOSH activities, and in measuring the progress toward meeting the objectives of the Occupational Safety and Health Act by assuring safe and healthful working conditions for every working man and woman through the reduction of workplace injuries and illnesses.

Census of Fatal Occupational Injuries (CFOI)

CFOI is a Federal/State cooperative program that provides details about fatal job-related injuries. The CFOI Program is a census, meaning that it provides a comprehensive count of all workplace fatalities. This includes the private and public sectors, the military, the self-employed, and certain volunteer workers. The CFOI Program's methodology ensures that fatality counts are as complete and accurate as possible by cross-referencing diverse data sources in order to identify and verify fatalities. This process by its complexity, results in the data being released a year after the current calendar reporting year. The personal identifiers of individuals and companies are kept confidential. The program provides workplace fatality data by industry, occupation, worker demographics and case characteristics that describe the circumstances of each event.

Results: Maryland Workplace Fatalities Declined In 2008

Fatal work-related injuries in Maryland totaled 59 in 2008. Although this number is preliminary, it represents a 28% decline from the previous year's total of 82 fatalities. This figure represents the lowest count in the State since the program's inception in 1992. (See Table 1 below.)

Key Findings of the 2008 Maryland Census of Fatal Occupational Injuries:

- The most frequent types of workplace fatalities in 2008 were falls to a lower level (9), homicides (9), contact with electric current (8), and highway incidents (6); these four types of events accounted for 54 percent of the deaths in the State.

- Work-related fatalities resulting from falls to a lower level decreased from 12 in 2007 to 9 in 2008. Workplace homicides decreased from 17 to 9 during the same period. Falls to a lower level and homicides each accounted for 15 percent of fatal work injuries in Maryland in 2008; nationally, falls to a lower level and homicides accounted for 11 and 10 percent, respectively.
- The 8 fatalities resulting from contact with electric current was the highest level recorded since 1992 when 15 fatalities were reported. Contact with electric current accounted for 14 percent of Maryland's and 4 percent of the nation's occupational fatalities in 2008.
- The number of fatalities resulting from highway incidents decreased from 15 in 2007 down to 6 in 2008. This is the lowest level recorded in the State since the series began in 1992.
- Other types of fatal work-related events in the State during 2008 included being caught in or compressed by equipment or objects (5); pedestrian incidents (5); and aircraft incidents (5). Together, these three events were responsible for one-quarter of the fatal work injuries in Maryland during 2008.
- Representing 95 percent of the total, men accounted for 56 of the work-related fatalities in the State. The three fatalities involving women workers represented a two-thirds decline from the previous year's total for that gender.
- Fifty-nine percent of those who died from a workplace injury in Maryland were white, non-Hispanic (35); 22% were black, non-Hispanic (13); and 17% were Hispanic or Latino (10). The most frequent cause of death for white, non-Hispanic workers involved transportation-related events. Black, non-Hispanic workers died most frequently from assaults and violent acts, and half of Hispanic or Latino workers died from falls.
- Three-quarters of the workers killed on the job worked for wages and salaries, the rest were self-employed. The leading cause of death for wage and salary workers was transportation incidents (13). Transportation incidents and contact with objects and equipment (4 fatalities each) accounted for 53% of the fatal injuries among self-employed workers.
- The construction industry sector recorded the most fatalities. Fatalities from construction work increased from 18 cases in 2007 to 20 cases in 2008. Sixty percent of these were in the specialty trade contractors' sub-sector with 12 cases. Eight workers in state and local government were killed on the job, with half of those involving Maryland employees in transportation incidents.

- The goods-producing sector had 27 fatalities. The leading manner of death was a fall or exposure to a harmful substance or environment, each with 7 cases.
- The service providing sector had 24 fatalities, with the leading manner of death being an assault or violent act with 8 reported cases.

Table 1, Total workplace fatalities in Maryland, 1992 -2008

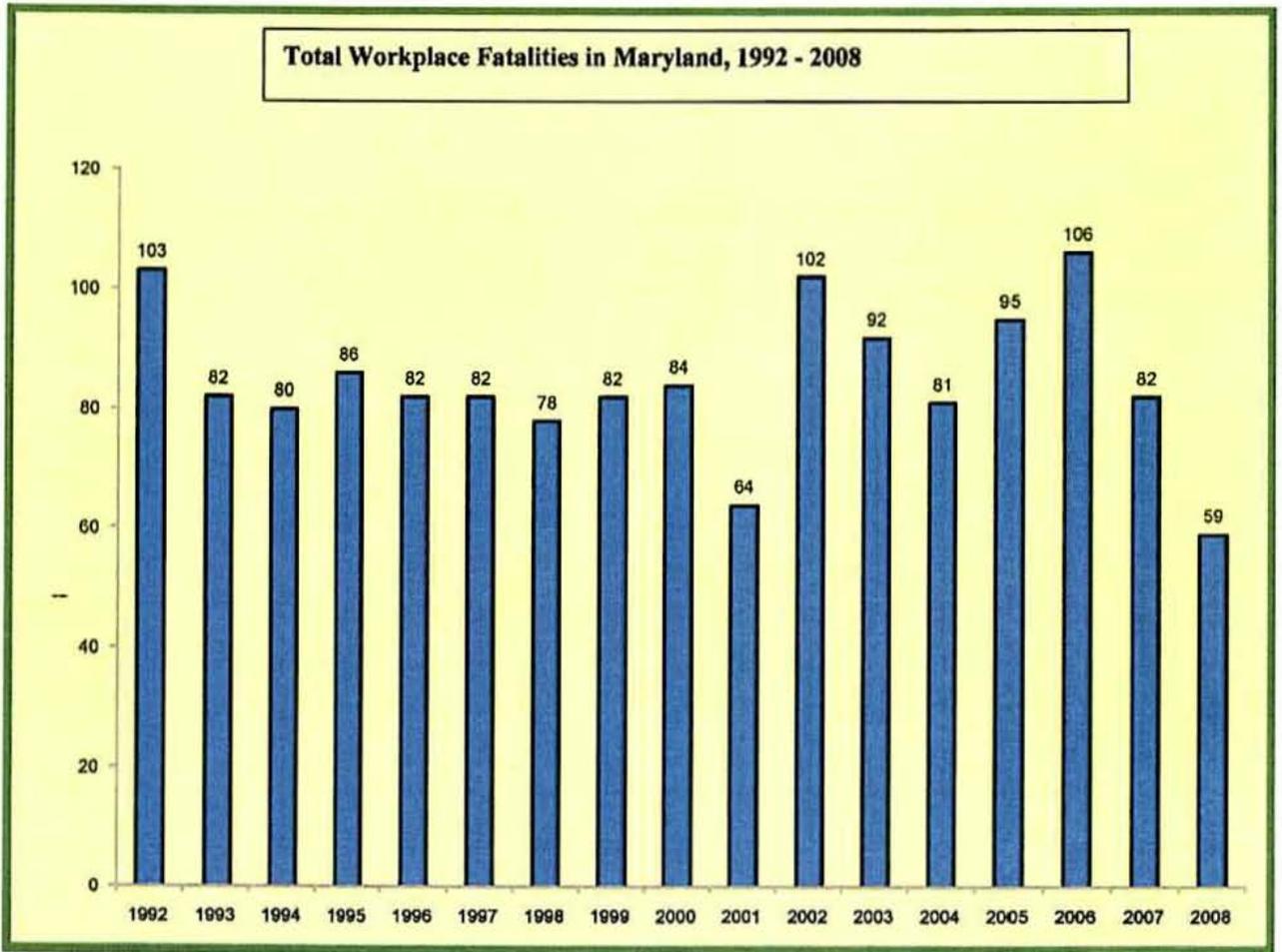
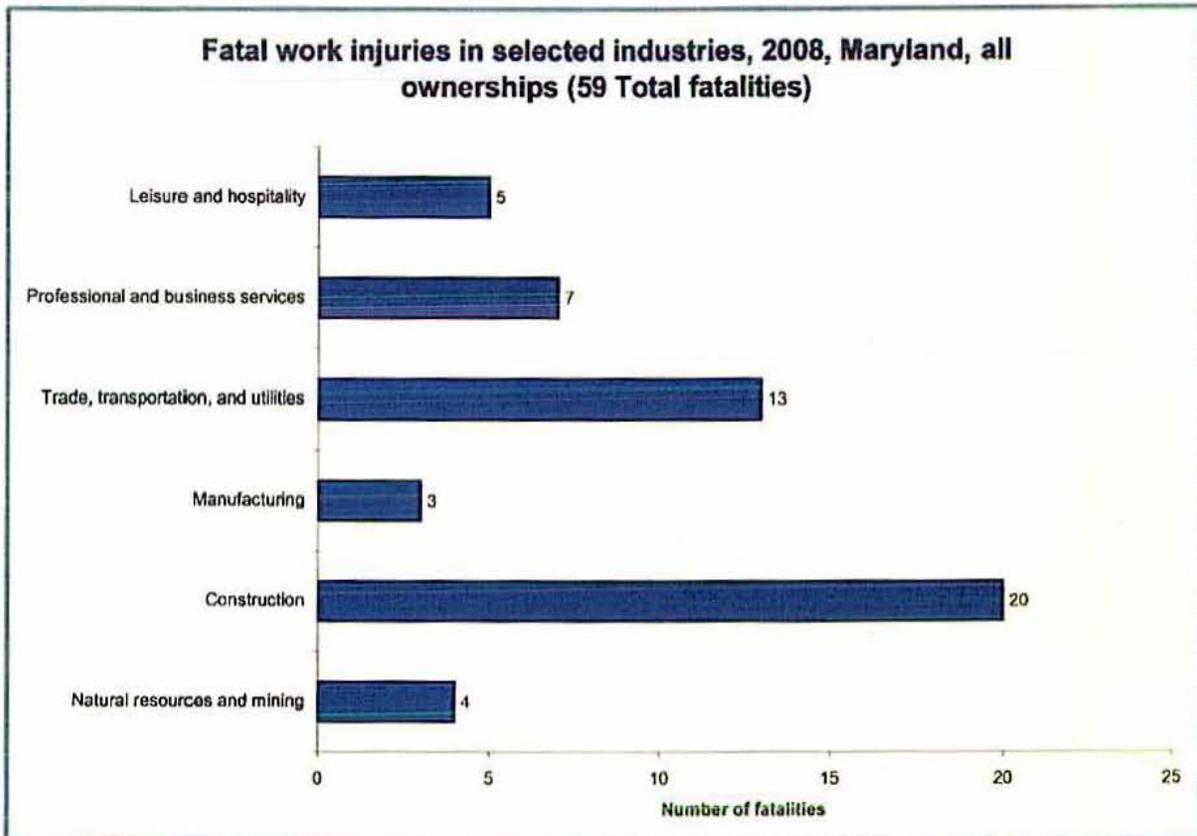


Table 2, Workplace fatalities in Maryland by selected industries, 2008



NOTE: the fatality total includes industry categories not shown separately.

Technical Notes

The Census of Fatal Occupational Injuries and Illnesses (CFOI) is a cooperative program between the Maryland Division of Labor and Industry and the U.S. Department of Labor, Bureau of Labor Statistics. CFOI provides a complete count of all fatal work injuries occurring in Maryland and in the United States in each calendar year. The program uses diverse state and federal data sources to identify, verify and profile fatal work injuries. Information about each workplace fatality (industry, occupation, and other worker characteristics; equipment being used; and circumstances of the event) is obtained by cross-referencing multiple source documents, such as death certificates, workers' compensation reports, news accounts, and reports to state and federal agencies. Diverse sources are used because studies have shown that no single source captures all job-related fatalities. The documents are matched so that each fatality is counted only once. To ensure that a fatality occurred while the decedent was at work, information is verified from two or more independent source documents. This method assures counts are as complete and accurate as possible.

For a fatality to be included in the census, the decedent must have been employed (that is, working for pay, compensation, or profit) at the time of the event, engaged in a legal work activity, or present at the site of the incident as a requirement of his or her job. Fatalities to volunteers and unpaid family workers who perform the same duties and functions as paid workers are also included in the count. These criteria are generally broader than those used by MOSH and other federal agencies administering occupational safety laws and regulations. (Fatalities that occur during a person's normal commute to or from work are excluded from the census counts.) Data presented in this release include deaths occurring in 2008 that resulted from traumatic occupational injuries. An injury is defined as any wound or damage to the body resulting from acute exposure to energy, such as heat, electricity, or impact from a crash or fall, or from the absence of such essentials as heat or oxygen, caused by a specific event or incident within a single workday or shift. Included are open wounds, intracranial and internal injuries, heatstroke, hypothermia, asphyxiation, acute poisonings resulting from short-term exposures limited to the worker's shift, suicides and homicides, and work injuries listed as underlying or contributory causes of death.

The CFOI Program presents data for all fatal work injuries, regardless of whether the decedent was working in a job covered under the regulatory oversight of the Maryland Occupational Safety and Health Agency or other state and federal agencies. Thus, any comparison between Maryland CFOI counts and those released by other agencies should take into account the different coverage requirements and definitions being used by each agency.

Information on work-related fatal illnesses is not reported in the Maryland Census of Fatal Occupational Injuries because the latency period associated with many types of occupational illness and the difficulty of linking those illnesses to work exposures make identification of a universe problematic.

OSHA Data Initiative

The MOSH Research and Statistics Unit also conducts the OSHA Log Data Collection Initiative. The objective of this program is to collect occupational injury and illness data from private and public sector establishments in selected high-hazard industries. MOSH uses the data as a basis for targeting safety and health intervention programs such as inspections, consultations, outreach initiatives, and technical assistance. MOSH also uses data from the OSHA Data Initiative as a tool for measuring the effectiveness of the agency's performance. In October 2007, MOSH began its first year of implementing targeted inspections from this data and utilizing the synergistic effects of having Enforcement, Consultation, and Outreach all working from the same data and coordinating efforts. Initial reports from the last quarter of 2007 are showing immediate improvements in targeting and positive feedback from unit managers and field staff.

Employer's First Report of Injury or Occupational Disease

In 2009, Maryland employers submitted approximately 68,552 Workers' Compensation reports to the Division of Labor and Industry. Once received, the Workers' Compensation forms are reviewed to identify potential safety and health issues. Serious injury and illness cases are forwarded to MOSH Compliance for further review. All Workers' Compensation reports are filed for future reference.

| Maryland Incidence Rates | | | |
|---|-------------------------------------|--|-------------------------------|
| Occupational Injuries and Illnesses, 2003 – 2008 | | | |
| | Total Recordable Cases (TRC) | Cases with days away, restriction, or transfer (DART) | Other recordable cases |
| Private industry | | | |
| 2008 | 3.3 | 1.7 | 1.6 |
| 2007 | 3.7 | 1.9 | 1.8 |
| 2006 | 3.8 | 2.0 | 1.8 |
| 2005 | 4.2 | 2.2 | 2.0 |
| 2004 | 4.2 | 2.3 | 1.9 |
| 2003 | 4.1 | 2.3 | 1.8 |
| State and local govt. | | | |
| 2008 | 6.6 | 3.3 | 3.3 |
| 2007 | 7.1 | 3.5 | 3.6 |
| 2006* | - | - | - |
| 2005 | 6.5 | 2.9 | 3.6 |
| 2004 | 6.0 | 3.2 | 2.9 |
| 2003 | 6.9 | 3.9 | 3.0 |
| All industries including State & local govt. | | | |
| 2008 | 3.7 | 1.9 | 1.8 |
| 2007 | 4.1 | 2.1 | 2.1 |
| 2006* | - | - | - |
| 2005 | 4.5 | 2.3 | 2.2 |
| 2004 | 4.5 | 2.4 | 2.1 |
| 2003 | 4.5 | 2.5 | 1.9 |

SOURCE: Bureau of Labor Statistics Survey of Occupational Injuries and Illnesses, 2008
 Incidence rates represent the number of injuries and illnesses per 100 full-time or equivalent employees.

*2006 injury and illness data for State and local government did not meet publication criteria.

Prevailing Wage Compliance

CONTRACTS FOR PUBLIC WORKS

The Prevailing Wage Law regulates hours of labor, rates of pay, conditions of employment, obligations of employers, and the powers and duties of certain public officials under contracts and subcontracts for public works in Maryland. The Prevailing Wage Unit operates under authority of the State Finance and Procurement Article, Sections 17-201 through 17-226, *Annotated Code of Maryland*.

Coverage of the Prevailing Wage Law extends to any contract for public works in excess of \$500,000 when State public funds are used to provide 50 percent or more of the funds for the project. A wage determination issued for a project specifies the wage and fringe benefit rates for each classification of worker determined to be prevailing in that locality for that type of construction.

The Prevailing Wage Unit conducts a continuing program to gather current relevant wage data. Statistical information needed to issue wage determinations is obtained through surveys and from payrolls submitted by contractors. Field investigations are also used to obtain current information. Wage determinations are issued for each locality in the State (23 counties and the City of Baltimore), and remain in effect for one year from the date they become final. At the end of 2008, 116 covered projects were under construction.

| Activity for 2009 | |
|--|-----------------|
| Payrolls received/audits performed | 43,828 |
| Contractors represented | 22,214 |
| Determinations issued | 304 |
| Dollar amount of determinations issued | \$1,862,880,733 |
| Wages recovered for employees | \$550,423 |
| Liquidated damages assessed for violations | \$583,139 |

The Prevailing Wage Law requires contractors to submit certified payroll statements indicating proper worker classification and wages for both straight and overtime work. These payrolls are audited to determine whether employees were paid according to the determinations issued. Together with information from field investigations and employee complaints, the audits frequently result in funds being recovered for employees.

The Division of Labor and Industry has seen increased compliance by contractors on Maryland public works projects, due in large part to the unit's outreach efforts prior to the start of construction.

Living Wage Law Compliance

STATE CONTRACTS FOR PUBLIC SERVICES

The Living Wage Law requires certain contractors and subcontractors to pay minimum wage rates to employees working under certain State services contracts. Under State Finance and Procurement Article, Sections 18-101 through 18-109, *Annotated Code of Maryland*, the Commissioner of Labor and Industry is required to administer and enforce the Living Wage Law. Contracts, payrolls and assigned workers are monitored to ensure compliance.

The Living Wage Law applies to a state procurement contract over \$100,000 where certain "services" are performed for State agencies that are subject to the law. There are two living wage rates established statewide. Work that is predominantly performed in Montgomery, Prince George's, Howard, Baltimore, Anne Arundel Counties and Baltimore City is defined as "Tier 1" and "Tier 2" work includes any county in the State not included in "Tier 1". The Commissioner of Labor and Industry is required to adjust the wage rates based on the Consumer Price Index and to allow certain reductions to the wage rates.

| Living wage | CY09 |
|---|------------------------|
| New living wage service contracts | 286 |
| Total living wage service contracts | 644 |
| Value of new living wage service contracts | \$5,802,900,610 |
| Living wage investigations | 208 |
| Employees interviewed | 97 |
| Amount of living wage restitution recovered | \$437 |
| Number of employees receiving restitution | 4 |
| Living wage payroll records entered | 468 |

NOTE: Effective September 28, 2009, Living Wage rates are \$12.25 per hour in Tier 1 areas and \$9.21 in Tier 2 areas, depending on the location where the services are performed or on the location benefiting from the work. The rates change each year and are published 90 days from the end of the State fiscal year. Historical listing of rates can be found at: <http://www.dlir.state.md.us/labor/prev/livingwagehistory>

Safety Inspection

ADMINISTRATION

The Safety Inspection Program includes a diversity of inspection and educational initiatives focused on ensuring the safety of the public. Working with owners, industry management, and labor, the Safety Inspection Program ensures that boilers, pressure vessels, elevators, escalators, amusement rides, and railroads are constructed and operated in accordance with applicable State laws and regulations.

A Chief Amusement Ride Inspector, Chief Boiler Inspector, Chief Elevator Inspector, and Chief Railroad Inspector, under the guidance and direction of a Safety Inspection Program Manager, supervise the conduct of compliance inspections. Administrative support staff in Baltimore coordinates communications between industry representatives, field inspection staff, and program management. They also perform a major supporting role with respect to inspection scheduling, invoicing, and inspection certificate issuance. The focus of all these activities is the prevention of injury, death, and property loss for Maryland citizens and visitors to our State.

BOILER AND PRESSURE VESSEL SAFETY INSPECTION

The Boiler and Pressure Vessel Safety Act, Public Safety Article, Title 12, Subtitle 9, *Annotated Code of Maryland*, establishes safety standards for boiler and pressure vessel safety and requires the inspection and registration of boilers and pressure vessels used in commercial establishments and places of public gathering. Such equipment may be located in schools, places of worship, apartment buildings, day care centers, hospitals, nursing homes, office buildings, government buildings, and other places where the citizens of Maryland gather to work or play.

The Boiler and Pressure Vessel Safety Inspection Unit is mandated by the General Assembly to ensure proper construction, installation, maintenance, use and repair of these boilers and pressure vessels in order to prevent injury to life, limb, and property. The unit currently includes a Chief Boiler Inspector, 10 Deputy Boiler Inspectors (not including 3 vacancies), and approximately 170 Special Inspectors, all commissioned by the National Board of Boiler and Pressure Vessel Inspectors and the State of Maryland to conduct boiler and pressure vessel safety inspections.

Special Inspectors employed by insurance companies performed approximately 69% of the safety inspections required by the Maryland Boiler and Pressure Vessel Law. The Chief Boiler Inspector is responsible for monitoring their inspection activities. This cooperative arrangement between the State and the private sector has been in existence for over sixty years and has saved taxpayers millions of dollars.

Deputy Boiler Inspectors assist the Chief Boiler Inspector in performing inspections of all non-insured objects, monitoring Special Inspectors, monitoring repairs to boilers and pressure vessels, inspecting and registering all new installations, and performing follow-up inspections of violations to ensure their correction. Deputy Boiler Inspectors also perform accident and variance investigations and required safety inspections on uninsured boilers and pressure vessels.

In consideration of the growing backlog of past-due inspections and limitations on obtaining additional inspection resources, legislation was sought during the 2009 session of the Maryland General Assembly to modify the Boiler and Pressure Vessel Safety Act to require all owners of non-insured objects to have the objects inspected by third-party National Board and Commissioner-approved inspectors. The legislation failed and will be resubmitted during the 2010 session of the General Assembly.

The Board of Boiler Rules, whose members are appointed by the Governor, provides additional technical expertise. The Board formulates proposed regulations for the Commissioner of Labor and Industry and evaluates requests for variance from applicable regulations.

| Boiler and Pressure Vessel Inspections Conducted by Deputy Boiler Inspectors and Special Inspectors | | | |
|--|---------------|--------------------------|---------------------------|
| | | Deputy Inspectors | Special Inspectors |
| Inspections performed | 27,330 | 8,386 | 18,944 |
| Units Registered | 54,322 | 13,987 | 40,335 |
| Accidents investigated | 2 | | |
| Complaints investigated | 0 | | |
| Total certificates issued | 23,906 | | |
| New registrations | 3,485 | | |

Codes and Standards used by State and Special Inspectors are as follows:

- ASME Boiler and Pressure Vessel Code
- National Board Inspection Code
- ASME B31.1 Power Piping
- ASME B31.3 Chemical Plant and Petroleum Refinery Piping
- ASME CSD-1 Controls and Safety Devices for Automatically Fired Boilers
- NFPA 85 Boiler and Combustion System Hazards

Maryland law requires that any boiler or pressure vessel installed in the State be built to the standardized American Society of Mechanical Engineers (ASME) construction code. Commissioned inspectors ensure that repairs to registered boilers and pressure vessels are also performed in accordance with State requirements. There are over 30 Maryland companies authorized to perform repairs to boilers and pressure vessels.

Both Deputy Boiler Inspectors and Special Inspectors report violations of State law and regulations to the Chief Boiler Inspector, who ensures that the equipment owner is notified of the violation in order to secure timely correction of the hazard. There were over 2,100 such violations reported this year. Each violation reported and corrected is an accident prevented.

BOILER CODES

| CODE | ADOPTION DATE |
|--|--------------------|
| ASME Boiler and Pressure Vessel Code | |
| 1974 ASME Boiler and Pressure Vessel Code | October 15, 1975 |
| 1986 ASME Boiler and Pressure Vessel Code | June 1, 1989 |
| 1989 ASME Boiler and Pressure Vessel Code | April 16, 1990 |
| 1992 ASME Boiler and Pressure Vessel Code | January 31, 1994 |
| 1995 ASME Boiler and Pressure Vessel Code | August 12, 1996 |
| 1998 ASME Boiler and Pressure Vessel Code | October 4, 1999 |
| 1999 ASME Boiler and Pressure Vessel Code | February 19, 2001 |
| 2000 ASME Boiler and Pressure Vessel Code | September 2, 2002 |
| National Board Inspection Code – (A Manual for Boiler and Pressure Vessel Inspectors) | |
| 1987 Edition | June 1, 1989 |
| 1992 Edition | January 31, 1994 |
| 1993 Addendum | July 18, 1994 |
| 1994 Addendum | July 3, 1995 |
| 1998 Edition | October 4, 1999 |
| 1998 Addendum | October 4, 1999 |
| 1999 Addendum | September 2, 2002 |
| 2001 Edition | September 29, 2003 |
| Power Piping, ASME B31.1 | |
| ASME B31.1 - 1992 Edition | October 11, 1993 |
| ASME B31.1a - 1992 Addenda | January 31, 1994 |
| ASME B31.1b - 1993 Addenda | January 15, 1996 |
| ASME B31.1c - 1994 Addenda | January 15, 1996 |
| ASME B31.1 - 1998 Edition | July 14, 1999 |
| ASME B31.1a – 1999 Addenda | September 2, 2002 |
| ASME B31.1b – 2000 Addenda | September 2, 2002 |
| Chemical Plant and Petroleum Refinery Piping, ASME B31.3 | |
| ASME B31.3 - 1993 Edition | October 11, 1993 |
| ASME B31.3a - 1993 Addenda | November 20, 1994 |
| ASME B31.3b - 1994 Addenda | July 3, 1995 |
| ASME B31.3c - 1995 Addenda | April 22, 1996 |
| ASME B31.3 - 1998 Edition | July 14, 1999 |
| ASME B31.3 - 1999 Edition | July 10, 2000 |
| ASME B31.3d - 2000 Addenda | September 2, 2002 |
| Controls and Safety Devices for Automatically Fired Boilers | |
| ASME CSD-1-1992 Edition | October 11, 1993 |
| ASME CSD-1-1993 Addenda | July 18, 1994 |
| ASME CSD-1-1995 Edition | June 30, 1997 |
| ASME CSD-1a-1996 Addenda | June 30, 1997 |

| | |
|---|-------------------|
| ASME CSD-1b-1996 Addenda | November 3, 1997 |
| ASME CSD-1- 1998 Edition | July 14, 1999 |
| ASME CSD-1a-1999 Addenda | December 12, 2002 |
| Errata to ASME CSD-1a-1999 Addenda | December 12, 2002 |
| NFPA 85C* Prevention of Furnace Explosions/Implosions in Multiple Burner Boiler-Furnaces, 1991 Edition | January 31, 1991 |
| (*now NFPA 8502) | |
| NFPA 8501 | |
| Single Burner Boiler Operation, 1992 Edition | January 31, 1992 |

RAILROAD SAFETY AND HEALTH INSPECTION

Maryland's Railroad Safety and Health Program was created by the General Assembly to help reduce railroad-related accidents, deaths and injuries, and damage to property throughout the State of Maryland. Established and operating since 1980, this unit, though reduced from its original inspection staff size, is a vital supplement to the national program conducted by the Federal Railroad Administration.

By law, the Federal Railroad Administration (FRA) has primary responsibility for ensuring railroad safety nationwide. FRA's traditional safety inspection program has produced substantial gains in railroad safety with real benefits for the American people.

FRA designates six regional inspection areas across the United States. The states of Maryland, Delaware, Ohio, Pennsylvania, Virginia and West Virginia are designated as part of FRA Region 2. Delaware is the only state in Region 2 that does not participate in the state railroad safety program. Participating state railroad safety programs provide a vital source of associated, yet independent, compliance inspection for the citizens of their respective states.

The Maryland program monitors the safety practices of each railroad company operating in Maryland by focusing statewide compliance inspections in the current disciplines of track, operating practices, and motive power and equipment. In the attempt to reduce potential accidents, FRA-certified Maryland inspectors provide written reports of non-complying conditions to each railroad for remedial action. Staff also continues to successfully work with the FRA and the National Transportation Safety Board (NTSB) while investigating rail accidents that occur in Maryland.

The Railroad Safety and Health Program monitors and assists railroad operations that are not inspected by FRA. Maryland inspectors work with private industries that ship or receive goods via rail to promote understanding of railroad safety practices and to ensure the safety of in-plant operation of locomotives and railroad freight cars. Staff members enforce Maryland specific requirements for track clearances, yard and walkway safety. They also work with tourist and museum railroad operators that carry passengers and are not routinely covered by federal railroad inspection processes.

Railroad Safety and Health Inspectors also lend their experience and knowledge to assist the Amusement Ride Safety Program in the inspection of trains and track that are used as amusement rides. Inspection staff participates with the Operation Lifesaver Program, a nationwide, non-profit public information program dedicated to eliminating collisions, injuries and fatalities at highway-rail grade crossings and on railroad rights-of-way. Through a network of State coordinators, Operation Lifesaver sends volunteers into the field to deliver a public safety message.

Railroad safety compliance inspections are especially important in the many areas that operate both freight and passenger services on shared use rail lines. The increasingly busy Amtrak Northeast Corridor and several CSX rail lines have shared use operations which receive enhanced Maryland railroad compliance inspections.

Increased rail traffic throughout Maryland makes adequate railroad safety inspection a vital component in support of the national program. The safety and well being of the general public that live, work, attend school or travel on or near railroad lines rely on safe railroad operations. Despite being small in size, Maryland's Railroad Safety and Health Program provides an additional measure of safety for the citizens of Maryland and the traveling public.

| Railroad Safety and Health Inspections | |
|---|-------|
| Motive Power and Equipment | |
| Cars inspected | 0 |
| Locomotives inspected | 0 |
| Defects reported | 0 |
| Violations reported | 0 |
| Blue Signal observations | 0 |
| Operating Practices | |
| Railroad operating rules | 177 |
| Railroad operating practices | 198 |
| Control of alcohol and drug abuse | 1 |
| Radio standards and procedures | 128 |
| Rear end marking devices | 152 |
| Hours of service of railroad employees | 12 |
| Defects reported | 106 |
| Violations reported | 4 |
| Blue flag observations | 12 |
| Railroad Accident/Incident Reporting | |
| Fatalities | 4 |
| Injuries | 4 |
| Property Damage | 12 |
| Track | |
| Track miles inspected | 1,632 |
| Turnouts inspected | 1,153 |
| Defects reported | 1,199 |
| Violations reported | 0 |
| Private industry inspections | 78 |

NOTE: Actively recruited, but did not employ MP&E Inspector during 2009

Operating Practices

Railroad operating practices inspections cover the “human factor” element of railroad operations. A track defect or an equipment defect can be readily observed and repaired. However, behavior that increases the likelihood of an accident cannot be undone, but rather must be identified so that systems can be developed to prevent recurrence. This type of prevention often involves cultural changes for both employees and management. An Operating Practices Inspector monitors the actions of railroad employees to deter unsafe behavior and promote proper safety practices.

Operating practice enforcement activities not only prevent injuries to railroad employees performing their own assignments, but also protect employees and the public from the unsafe actions of others. Some areas of responsibility include compliance inspections designed to deter drug and alcohol abuse and tampering with locomotive safety devices. Compliance inspections also monitor other railroad employee testing programs and the procedures for protection of railroad maintenance personnel in the performance of their duties.

The Railroad Safety and Health Operating Practices Inspector participate in investigations which evaluate causation of fatalities, injury, and property damage as related to human factor-caused events.

Track Safety

The Railroad Safety and Health Track Inspector monitor the inspections performed by each railroad company operating in Maryland to ensure compliance with federal track safety standards. The inspector routinely identifies significant defects on tracks used to carry both passengers and hazardous materials. Tracks located near schools, residential, and industrial areas and major highways must have defects and other hazards abated to avert major catastrophic events.

In addition to regulatory compliance inspections of railroads, the Maryland Track Inspector evaluates the safety of private industry track serviced by each railroad company. This process ensures the safety of common railroad carriers operating over the private track and increases the level of safety for private industry employees as well as the community at large.

The Railroad Safety and Health Track Inspector participate in investigations which evaluate causation of fatalities, injury, and property damage as related to track-caused events.

Motive Power and Equipment

While this position has remained vacant during 2009, the Motive Power and Equipment Inspector monitors inspections and worker safety protection (blue signal protection) as implemented by each railroad company under Federal Railroad Administration regulations. Locomotives (motive power), passenger cars and freight cars (equipment), and track maintenance equipment are the focus areas of compliance inspection. The Motive Power and Equipment Inspector conducts independent inspections of railroad equipment, including new technology equipment such as remote controlled locomotives and high-speed train sets. During this time period of inspector vacancy, observations involving motive power and equipment deficiencies have been referred to the FRA.

The Railroad Safety and Health Motive Power and Equipment Inspector would normally participate in investigations which evaluate causation of fatalities, injury, and property damage as related to railroad equipment-caused events.

AMUSEMENT RIDE SAFETY INSPECTION

By providing for an effective inspection and enforcement program, the Amusement Ride Safety Law, Business Regulation Article, Title 3, *Annotated Code of Maryland*, ensures, as far as possible, the safety of the public in the use of amusement rides and attractions. The law indicates that no amusement ride or attraction may be operated in Maryland until the Commissioner of Labor and Industry has issued a certificate of inspection. As part of the certificate application process, the owner or lessee must provide the Commissioner with a current certificate of insurance indicating liability coverage in the amount specified by law.

A certificate of inspection issued by the Commissioner for a ride or attraction in an amusement park is valid for not more than one year from the date issued. Certificates for rides and attractions at fairs and carnivals are valid for not more than 30 days. Each time a ride or attraction is moved to a new location it must be inspected and a new certificate issued before operation begins.

The Amusement Ride Safety Law prohibits the conduct of a "bungee jumping operation" in Maryland. The General Assembly moved to prohibit this activity in response to research, investigation and several catastrophic events. The law provides for criminal penalties for any person violating its provisions.

Amusement Ride Safety Inspections

| | |
|---|-------|
| Accidents investigated | 2 |
| Complaints investigated | 7 |
| Certificate Inspections | 4,390 |
| Other Inspections (Strip-Downs, Preliminary, Assists) | 879 |
| Total Inspections Performed | 5,269 |
| | |
| New Rides Registered in 2009 | 391 |

During 2009, the Amusement Ride Safety Inspection Unit responded to 1,397 requests for inspection from 206 different amusement companies. In their inspection requests, amusement companies asked that inspections be performed on over 6,000 amusement devices. The bulk of the inspections (4,390) resulted in certificates being issued, allowing the device to operate at a fair, carnival, or park. Not all inspections were for the purpose of issuing an operational certificate (Strip-Downs, Preliminary, Assists), but rather to acquire additional safety information, closer examination, review non-destructive testing results, or to assist the owner with registration or safety preparedness.

In an effort to meet workload demands and provide the most experienced and focused personnel to perform amusement ride safety inspections, selected elevator safety inspectors who have a diverse mechanical expertise, are cross-trained to conduct amusement ride safety inspections. When the workload and demand for amusement inspections drops off, the Amusement Ride Safety team reciprocates by devoting about 25% of their time to assisting with the elevator inspection workload. Progress continues on steps which were initiated in 2002 to more formally organize the inspection unit into an independent operation. A nine-member Amusement Ride Safety Advisory Board appointed by the Governor advises, consults with, and makes recommendations to the Commissioner regarding regulations for the prevention of amusement ride and attraction hazards, so that injuries to the public do not occur.

The Safety Inspection Program makes a concerted effort to increase public awareness by disseminating information about the law and regulations, and keeping the public informed about availability of information online.

ELEVATOR SAFETY INSPECTION

During the 2009 session of the General Assembly, legislation was introduced in the House (HB 613) that radically changed the inspection structure for elevator units in Maryland. Effective July 1, 2009, private sector owners of elevator units are required to

hire a qualified third-party elevator inspector to conduct the required inspections for their unit consistent with the ANSI/ASME Elevator Safety Code. The Commissioner of Labor and Industry, although responsible for the inspection of all elevator units, continued to conduct certificate inspections for all public sector elevator units and must provide oversight for the certification of private sector elevators, dumbwaiters, escalators and moving walks throughout Maryland, pursuant to the Elevator Safety Law, Public Safety Article, Title 12, Subtitle 8, *Annotated Code of Maryland*. All inspections are conducted in accordance with the nationally recognized ANSI/ASME Elevator Safety Code. The Commissioner's inspectors will still inspect all new installations, conduct representative monitoring of third-party inspectors, and respond to complaints and incidents of concern.

The Commissioner continues to grant exceptions from the requirements of applicable codes when necessary to prevent undue hardship or where existing conditions prevent practical compliance. With proper documentation and where reasonable safety can be secured, the Commissioner considers applications for variance on a case-by-case basis.

The Elevator Safety Inspection Unit includes a Chief Elevator Inspector and two regional supervisors, who schedule, coordinate, train and supervise a staff of 21 field inspectors statewide. The Amusement Ride Inspection team and Supervisor devote 25% of their time and energy to helping the Chief Elevator Inspector with any miscellaneous workload during the periods of time when the amusement ride inspection workload is low.

| Elevator Safety Inspections | |
|--|---------------|
| Accidents investigated | 6 |
| Complaints investigated | 71 |
| Units sealed out of service | 387 |
| Elevators Registered | 21,501 |
| Certificates Issued | 12,061 |
| Final Inspections (new units) | 696 |
| Annual Inspections | 15,908 |
| Other Inspections (Tests, Alterations, Re-Inspections) | 2,405 |
| Total Inspections Performed | 19,009 |

ELEVATOR CODES

| Date Elevator Installed | Applicable Code |
|---|--|
| Installation before July 1, 1955 with no major alteration before January 1, 1975. | No code applicable. Under <i>Article 89, Section 49B(d), Annotated Code of Maryland</i> , each elevator installed before July 1, 1955 must be equipped with standard hoistway entrance protection, and passenger elevators of more than 100 feet per minute speed must have car doors or gates (ANSI A17.1-1971 and Supplements). Elevators must be maintained in safe operating condition so as not to create a substantial probability of serious physical harm or death, and are subject to inspection and tests. |
| Installation before July 1, 1955, with major alteration between January 1, 1975 and July 13, 1979 | ANSI A17.1-1971 and Supplements |
| Installation from July 1, 1955 to July 13, 1979 | ANSI A17.1-1971 and Supplements |
| Installation or major alteration from July 13, 1979 to September 1, 1982 | ANSI A17.1-1978 and Supplements |
| Installation or major alteration after September 1, 1982 | ANSI/ASME A17.1-1981 and Supplements as noted on the next page |
| Installation or major alteration from September 26, 1986 to January 26, 1987* | ANSI/ASME A17.1-1984 excluding Parts V, X, XX AND XXI |
| Installation or major alteration after January 26, 1987* | ANSI/ASME A17.1-1984 and Supplements as noted on the next page |
| Installation or major alteration after July 16, 1988 | ASME/ANSI A17.1-1987 and Supplements as noted on the next page |
| Installation or major alteration after October 14, 1991 | ASME A17.1-1990 excluding Parts V, XXI, and XXIII, with amendments and Supplements as noted below and on the next page |
| Installation or major alteration after July 18, 1994 | ASME A17.1-1993 with amendments and Errata and Supplement as noted on the next page** |

Installation or major alteration after April 6, 1998

ASME A17.1-1996 with amendments and Errata and Supplements as noted on the next page

Supplements

Installation or major alteration after November 1, 1983

ANSI/ASME A17.1a-1982 with amendments

Installation or major alteration after December 17, 1984

ANSI/ASME A17.1b-1983 with amendments, excluding Part XX

Installation or major alteration after January 28, 1985

ANSI/ASME A17.1b-1983, Part XX, with amendments

Installation or major alteration from September 26, 1986 to January 26, 1987*

ANSI/ASME A17.1b-1983 with amendments to Rule 211.3A

Installation or major alteration after February 26, 1987*

ANSI/ASME A17.1a-1985, A17.1b-1985, and A17.1c-1986

Installation or major alteration after May 30, 1987

ANSI/ASME A17.1d-1986

Installation or major alteration after October 29, 1987

ANSI/ASME A17.1e-1987

Installation or major alteration after May 16, 1989

ASME/ANSI A17.1a-1988

Installation or major alteration after May 31, 1990

ASME/ANSI A17.1b-1989

Installation or major alteration after August 29, 1992

ASME A17.1a-1991

Installation or major alteration after July 5, 1993

ASME A17.1b-1992, with Errata

Installation or major alteration after August 28, 1995

ASME A17.1a-1994 Addenda, excluding Part V

Installation or major alteration after December 28, 1998

ASME A17.1a-1997

Installation or major alteration after October 4, 1999

ASME A17.1b-1998

Installation or major alteration after April 1, 2002

ASME A17.1c-1999, A17.1d-2000, A18.1-1999

Installation or major alteration after April 28, 2003

ASME A17.1-2000

Installation or major alteration after September 29, 2003

ASME A17.1a-2002

Installation or major alteration after March 15, 2005

ASME A17.1b-2003

Installation or major alteration after April 7, 2008

ASME A17.1 2004, A17.1 2005 (1a), (1s)

Installation or major alteration after November 16, 2009

ASME A17.1 2007

***NOTE: The Commissioner of Labor and Industry took emergency action to adopt temporarily ANSI/ASME A17.1-1984 and its Supplements A17.1a-1985, A17.1b-1985, and A17.1c-1986 with amendments. After the issuance of an Opinion of the Attorney General on December 12, 1986, the Commissioner adopted the A17.1-1984 Code and Supplements. Until the amendment of the Elevator Safety law, the effective dates of the ANSI Safety Code and Supplements were those established by ANSI.**

**** Amendment to ASME A17.1-1993: Rules 802.3a and 802.3f were amended by Emergency Action effective from April 25, 1996 to October 25, 1996. The amendments subsequently were adopted, effective November 11, 1996.**

Boards, Councils and Committees

ADVISORY COUNCIL ON PREVAILING WAGE RATES

The Advisory Council on Prevailing Wage Rates was created to advise the Commissioner of Labor and Industry and to submit recommendations regarding the establishment of hourly wage rates applicable to contracts and subcontracts for public works within Maryland. The Council consists of six members appointed for a three-year term by the Governor, with the advice of the Secretary of Labor, Licensing, and Regulation, and the advice and consent of the Senate. The Governor appoints a member of the Council to be chairman for one year; this member may not be reappointed as chairman the following year. The Council establishes standards for hours of work and rates of pay, conditions of employment, and duties of public officials under certain contracts and subcontracts for public works in Maryland. The Council calls upon other agencies of state and local government for statistical data, reports, and other information to assist them in the performance of their duties.

AMUSEMENT RIDE SAFETY ADVISORY BOARD

The Amusement Ride Safety Advisory Board consists of nine members appointed by the Governor for a four-year term, with the advice and consent of the Senate. In choosing the members of the Board, the Governor makes every effort to ensure that each region of the State is represented. The Governor designates one of the public members as chairman. The Board advises, consults with and makes recommendations to the Commissioner of Labor and Industry, and proposes regulations and standards for the prevention of conditions detrimental to the public in the use of amusement rides and attractions. The Board holds public hearings and reports findings to the Commissioner as necessary for the protection and safety of the public.

APPRENTICESHIP AND TRAINING COUNCIL

Maryland's Apprenticeship and Training Law establishes a twelve-member body called the Maryland Apprenticeship and Training Council (MATC). The Council formulates apprenticeship policies, registers standards and agreements, determines which skilled trades are apprentice able, and ensures that standards are adopted that safeguard the welfare of all apprentices.

Five members of the Council represent employee organizations (one of which is an employee), five represent employers, and two are appointed from the general public. Three additional members serve on the Council in a non-voting, consultant capacity.

BOARD OF BOILER RULES

The Board of Boiler Rules is composed of nine members appointed for a four-year term by the Governor with the advice of the Secretary of Labor, Licensing, and Regulation, and with the advice and consent of the Senate. The Board formulates and recommends to the Commissioner of Labor and Industry definitions and regulations for the safe construction, use, installation, maintenance, repair and inspection of boilers and pressure vessels in Maryland. All regulations conform as nearly as possible to the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers and to the Inspection Code of the National Board of Boiler and Pressure Vessel Inspectors.

OCCUPATIONAL SAFETY AND HEALTH ADVISORY BOARD

The Maryland Occupational Safety and Health Advisory Board consists of eleven members, each of whom is appointed for a six-year term by the Commissioner of Labor and Industry, with the approval of the Secretary of Labor, Licensing, and Regulation. The Commissioner designates one of the public members as chairman. The selection of members is based on their experience and competence in the field of occupational safety and health.

The Board advises, consults with, makes recommendations and proposes regulations and standards to the Commissioner for the prevention of conditions detrimental to the safety and health of employees in every place of employment in Maryland.

SPECIAL ADVISORY COMMITTEE ON ELEVATORS

The Special Advisory Committee on Elevators is a six-member committee appointed by the Commissioner of Labor and Industry to provide the Commissioner with expertise, knowledge, and technical data on elevators, dumbwaiters, escalators and moving walks. Members include representatives of State agencies, elevator contractors, labor and the public. The Committee assists the Commissioner in the formulation of regulations and standards for elevators, dumbwaiters, escalators and moving walks.

Publications

Laws and Regulations

- Amusement Ride Safety Law and Regulations
- Boiler and Pressure Vessel Safety Act and Regulations
- Elevators, Dumbwaiters, Escalators and Moving Walks and Smoking on Elevators Law and Regulations
- Employment of Minors Law
- Equal Pay for Equal Work Law
- Farm Labor Contractors Law and Regulations
- Lie Detector Tests Law
- Maryland Apprenticeship and Training Law and Regulations
- Maryland Employment Agency Act and Regulations
- Maryland Occupational Safety and Health Act and Regulations
- Medical Questions Law
- OSHA Standards with Maryland Amendments:
 - Cranes and Derricks (29 CFR 1926.500)
 - Excavations (29 CFR 1926, Subpart P)
 - Lead in Construction (29 CFR 1926.62)
 - Permit Required Confined Spaces (29 CFR 1910.146) – *amendment only*
- Prevailing Wage--Contracts for Public Works Law and Regulations
- Railroad Safety and Health Act and Regulations
- Wage and Hour Law and Regulations
- Wage Payment and Collection Law

Occupational Safety and Health

- Access to Information about Hazardous and Toxic Substances
- Bloodborne Pathogens Exposure Control Plan
- Carbon Monoxide
 - Carbon Monoxide Poisoning
 - Occupational Health Hazard Fact Sheet
- Developing a Workplace Safety and Health Program
- Electrical Safety
 - Danger: Overhead Electric Lines
 - Ground Fault Protection on Construction Sites
 - If You Don't Become an Inspector (power tools)

- Excavation Safety Guidelines
- Fall Protection
 - Fall Protection in Construction
 - Stairways and Ladders
- First Aid: Guidelines for Basic First Aid Training Programs
- Hazardous Waste Operations and Emergency Response

- Hearing Conservation
- Heat Stress
 - Fact Sheet for Workers
 - Protecting Workers from Hot Environments
 - Poster
- Indoor Air Quality
 - MOSH Booklet
 - Prohibition on Smoking in an Enclosed Workplace
 - Smoking - Compliance Guidelines for the Hospitality Industry
- Lead Fact Sheets
 - Employee Lead in Construction
 - Engineering Controls
 - Housekeeping and Personal Hygiene Practices
 - Lead in Construction
 - Lead in Radiator Repair Facilities
 - Protective Clothing
 - Respiratory Protection
 - Worker Protection Programs
- Machinery and Equipment
 - Machine Safeguarding
 - Sling Safety
- Maryland Fatal Facts (1 - 11)
- MOSH Audiovisual Catalog
- MOSH Closing Conference Guide
- MOSH Consultation Services
- MOSH Ergonomic Services
- MOSH for Employees
- MOSH Posters for Private and Public Sectors
- MOSH Self-Inspection Checklist for Construction
- MOSH Self-Inspection Checklist for General Industry
- MOSH Seminars
- MOSH-Specific Requirements

- MOSH Training and Education
- MOSH Voluntary Protection Program
- This is MOSH
- OSHA Injuries and Illnesses Log and Supplementary Record
- OSHA Standards - How to Obtain Copies
- Personal Protective Equipment
- Process Safety Management
- Respiratory Protection
- Scaffolding: A Guide to Scaffolding in the Construction Industry
- Silica
 - Occupational Health Hazards
 - A Guide to Working Safety with Silica
 - Tips for Preventing Silicosis
- This is MOSH
- Underground Construction (Tunneling)
- Video Display Terminals
- Workplace Violence
 - Health Care and Social Service Workers
 - Late Night Establishments

Miscellaneous

- Amusement Ride Safety Revolves Around You (safety brochure)
- Annual Report of the Division of Labor and Industry
- Building the Future - Your Way (Apprenticeship and Training videotape)
- Do's and Don'ts of Heating Pressure Boiler Operations
- Do's and Don'ts of High Pressure Boiler Operations
- Do's and Don'ts of Compressed Air Storage Tank Operations
- Do's and Don'ts of Hot Water Heater Safety
- Employment of Minors Fact Sheet
- Manual for Issuing Officers of Work Permits
- Maryland Farm Labor Contractors: Responsibilities of Growers and Crewleaders
- Maryland Guide to Wage Payment and Employment Standards
- Maryland is Training For Tomorrow (Apprenticeship and Training)
- New Federal Minimum Wage Standards: Where Does Maryland Stand?
- Operation Lifesaver - Safety at Highway Railway Crossings
- Putting it all Together (Apprenticeship and Training)
- Steps to Safety on Escalators
- Wage and Hour Fact Sheet

APPENDIX

OCCUPATIONAL DISEASE SURVEILLANCE IN MARYLAND 2009 REPORT

Pursuant to §6-702, Environment Article, *Annotated Code of Maryland*: a physician who believes that a patient under the physician's care has an occupational disease shall submit a report to the Secretary of the Maryland Department of the Environment (MDE). The report shall state the patient's name, address, occupation, and place of employment; identify the suspected disease; and contain any other information that the Secretary requires. The Secretary shall give the information received under this section to the Commissioner of Labor and Industry.

The Maryland Department of the Environment carries out occupational disease surveillance in Maryland. The Commissioner of Labor and Industry was informed that no report is available for 2009.

Notice of Excessive Safety Violations

Consistent with the requirements of Section 9-312 (b) of the Labor and Employment Article, *Annotated Code of Maryland*, the Workers' Compensation Commission did not refer any notice excessive safety violations to the Commissioner.