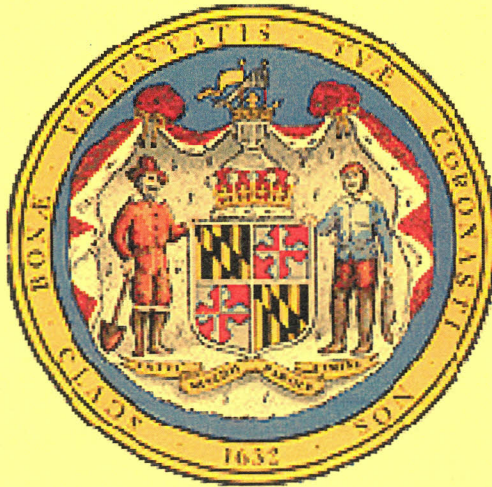


DIVISION OF LABOR AND INDUSTRY

ANNUAL REPORT 2011



STATE OF MARYLAND

MARTIN O'MALLEY
Governor

ANTHONY G. BROWN
Lieutenant Governor

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

J. RONALD DEJULIIS
Commissioner, Division of Labor and Industry



STATE OF MARYLAND

DLLR

DEPARTMENT OF LABOR, LICENSING AND REGULATION

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

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

Dear Governor O'Malley:

I am submitting to you the 2011 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 calendar year 2011. With your guidance, we look forward to building on our strengths to aggressively tackle the challenges that lie ahead and improve our ability to protect the employment rights, safety and opportunities for apprenticeship training for Marylanders.

Sincerely,

J. Ronald DeJuliis
Commissioner of Labor and Industry

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Introduction

The Maryland Division of Labor and Industry is an advocate agency concerned with the welfare of Maryland's workforce, 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
- Apprenticeship and Training Law and Regulations
- Boiler and Pressure Vessel Safety Act and Regulations
- Choice of Bargaining Representative Law
- Elevators, Dumbwaiters, Escalators and Moving Walks Law and Regulations
- Employment Agency Act and Regulations
- Employment of Minors Law
- Equal Pay for Equal Work Law
- Farm Labor Contractor Law and Regulations
- Healthy Retail Employee Law
- High Voltage Line Law
- Job Applicant Fairness Law
- Lie Detector Test Law
- Living Wage Law and Regulations
- 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
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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 128 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, 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.

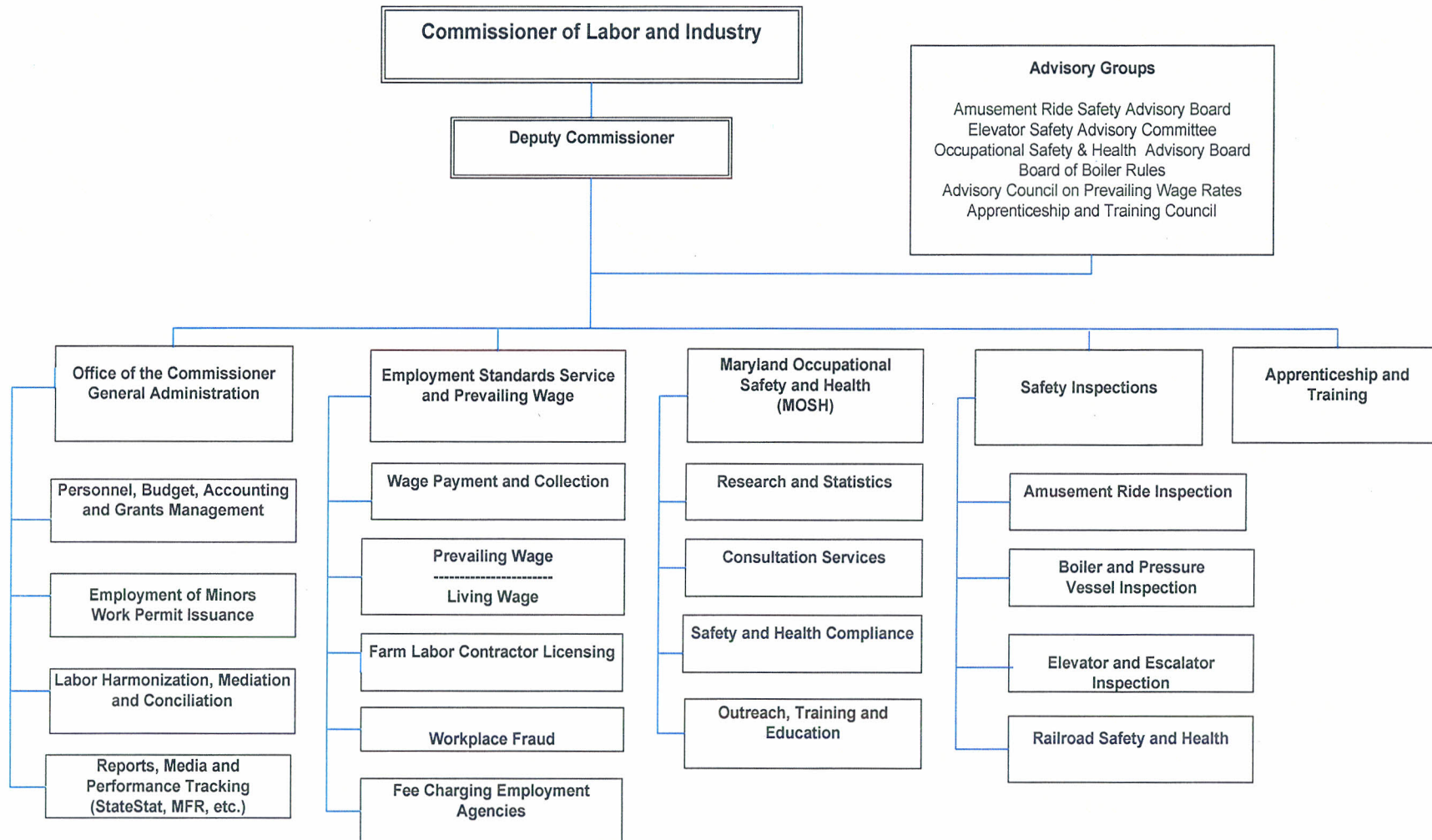
Under departmental reorganization in 1970, Labor and Industry became a division within the Department of Licensing and Regulation, since 1995 known as the Department of Labor, Licensing, and Regulation.

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 such as wage payment, occupational safety and health, workplace fraud, safety inspection of amusement rides, boilers and pressure vessels, elevators and escalators, and railroads; 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.

Division of Labor and Industry - Organizational Chart



Office of the Commissioner

GENERAL ADMINISTRATION

The Commissioner of Labor and Industry provides leadership to the many programs that offer 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, conciliation and representation elections, and personnel administration, is able to guide the direction of the programs allowing laws to be implemented. As required by the Labor and Employment Article, Section 2-105, *Annotated Code of Maryland*, the Commissioner seeks to promote harmony between industry representatives and labor through the Construction Roundtable, Advisory Group meetings, and attendance at union outreach programs, conferences, and seminars. 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 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, Workplace Fraud, and Safety Inspection programs who work across the State at various host employer locations. 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 2011, these advisory groups conducted 11 meetings.

LEGISLATION IN 2011

There were several bills introduced and passed during the 2011 session of the General Assembly which directly affect the Division of Labor and Industry.

- ◆ ***Job Applicant Fairness Act – Chapter 29 (House Bill 87)***, prohibits an employer from using an individual's credit report or credit history as a basis to deny employment to an applicant for hire, discharge an employee or determine compensation or the terms of employment. There are several exemptions where an employer can request and use a credit report or credit history of an applicant or employee when making employment decisions. The bill took effect October 1, 2011.

- ◆ ***Business Regulation – Amusement Ride Safety Advisory Board Membership, Chapter 99, (House Bill 108)***, alters the membership of the State Amusement Ride Safety Advisory Board by requiring that the composition of the Board with regard to race and gender reflect the composition of the population of the State. The bill took effect October 1, 2011.

- ◆ ***Boiler and Pressure Vessels – Special Inspector Commission – Insurance Requirements Chapter 608, (House Bill 943)***, provides authority to the Commissioner of Labor and Industry to adopt regulations requiring authorized inspection agencies to satisfy certain insurance requirements prior to the issuance of a special inspector commission. This bill took effect October 1, 2011.

MEDIATION AND CONCILIATION

Pursuant to Labor and Employment Article, Section 2-107(c), *Annotated Code of Maryland*, mediation and conciliation services must be provided by the Division of Labor and Industry when requested. In 2011, one was conducted.

EMPLOYEE STOCK OWNERSHIP PLAN

Consistent with the requirements of the Broadened Ownership Act, Economic Development Title 14-102, *Annotated Code of Maryland*, designated State agencies are directed 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 2011, the Division of Labor and Industry received no requests for the brochure "Employee Stock Ownership Plan," which was developed in response to the Act.

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 Chief's 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 (NFPA)
National Safety Council
Operation Lifesaver
OSHA Health Outcomes Task Group
Occupational Safety and Health State Plan Association (OSHSPA)
Public Employees Safety Association of Maryland (PESA)
Public Risk Management Association (PRIMA)
Safety Engineering Association of Maryland
Safety and Health Achievement Recognition Program (SHARP) Flag Committee

Employment Standards

Created in 1965 to enforce Maryland's Minimum Wage Law, the Employment Standards Service has been traditionally 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
Medical Questions	Title 3, § 3-701
Lie Detector Tests	Title 3, § 3-702
Healthy Retail Employee Act	Title 3, § 3-710
Job Applicant Fairness Act	Title 3, § 3-711
Flexible Leave Act	Title 3, § 3-802
Farm Labor Contractors	Title 7

Business Regulation Article

Employment Agencies	Title 9
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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 2011

Sufficient wage claim forms received	1,172
Investigations completed	1,235
Claims wages were recovered	581
Total wages collected	\$913,820.73

WAGE AND HOUR

Pursuant to Labor and Employment Article, Title 3, Subtitle 4, *Annotated Code of Maryland*, 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.

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. Currently, Maryland’s minimum wage remains at \$7.25 per hour and coincides with Federal minimum wage.

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 wage and hour complaints have been referred to the U.S. Department of Labor, Wage and Hour Division.

EMPLOYMENT OF MINORS

Pursuant to Labor and Employment Article, Section 3-202, *Annotated Code of Maryland*, “the policy of the State is to encourage the development of minors by allowing them to engage in occupations that prepare them for responsible citizenship, yet to protect them from occupations that will be injurious to their mental, moral, or physical welfare.” 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. Pursuant to Section 3-205, 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 2011	
Work permits issued	42,087
Work permits revoked	0

The application process was modified and is now available on-line through the DLLR web site at <http://www.dllr.state.md.us/labor/wages/empm.shtml>. Issuing officers from most secondary schools in Maryland, as well as most Division of Labor and Industry offices, can access the system and issue permits. 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. However, although complaints have been received and violations identified, the current statute only provides for criminal prosecution of violators, and therefore effectiveness is compromised. There are no administrative sanctions. 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 that as a result of the work experience, does not suffer damage to educational enrichment.

EQUAL PAY FOR EQUAL WORK

Pursuant to Labor and Employment Article, Section 3-302, Labor and Employment Article, *Annotated Code of Maryland*, men and women performing the same or similar work must be paid equally. Consideration is made for merit, longevity, skill, and shift work.

Section 3-304 requires that, “an employer may not discriminate between employees in any occupation by paying a wage to employees of one sex at a rate less than the rate paid to employees of the opposite sex if both employees work in the same establishment and perform work of comparable character or work on the same operation, in the same business, or of the same type.” The 2004 Maryland General Assembly established the Equal Pay Commission for the purpose of studying 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 up with a law that requires the Commissioner to collect information related to the gender and race of employees in addition to job classifications and wages. Section 3-305, Labor and Employment Article, *Annotated Code of Maryland*. The Division has developed an electronic system that captures the information for the report. However, as this gender and race data is supplied voluntarily by employers and not required to be provided by employers to the Division, the result of this study may be seen as statistically insignificant if the sample is too small.

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 or for Maryland, a farm labor contractor must obtain a license from the Commissioner. Since 1983, all farm labor contractors who work in Maryland must be licensed by the Commissioner of Labor and Industry. Additionally, the law imposes duties on a farm labor contractor 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.

Farm Labor Contractors Licenses for 2011	
Applications received	7
Licenses issued	6
Licenses denied	0
Applications incomplete	1

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. Because funding for Maryland field investigation staff was eliminated, the Division is not able to respond to complaints or reports of unregistered farm labor contractors. However, since

the FLC must also obtain federal registration, 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 2011.

FLEXIBLE LEAVE ACT

Maryland law authorizes employees of employers with 15 or more individuals to use "leave with pay" for an illness in the employee's immediate family which includes a child, spouse or parent. Under the Flexible Leave Act, leave with pay is considered time away from work for which an employee is paid and includes sick leave, vacation time, and compensatory time. An employee may only use leave with pay that has been earned. Employees who earn more than one type of leave with pay may elect the type and amount of leave with pay to be used. An employee who uses leave with pay under this law is required to comply with the terms of any collective bargaining agreement or employment policy.

The Flexible Leave Act prohibits an employer from discharging, demoting, suspending, disciplining or otherwise discriminating against an employee or threatening to take any of these actions against an employee who exercises rights under this law. This law does not affect leave granted under the Federal Family and Medical Leave Act of 1993 (FMLA).

HEALTHY RETAIL EMPLOYEE ACT

Effective March 1, 2011, under Maryland's Healthy Retail Employee Act, Maryland employers who operate "retail establishments" must provide non-exempt retail employees with break periods based on the length of the shifts the employees work. The Act defines a retail establishment as "a place of business with the primary purpose of selling goods to a consumer who is present at the place of business at the time of sale." A "retail establishment" does not include a restaurant or wholesaler.

JOB APPLICANT FAIRNESS ACT

The Job Applicant Fairness Act is a new law in Maryland that became effective October 1, 2011. It generally prohibits employers in Maryland from using a job applicant or employee's credit report to determine: (1) whether to hire a job applicant; (2) whether to terminate an employee; or (3) the rate of pay or other conditions of employment for an employee.

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.

WORKPLACE FRAUD ACT

Pursuant to Labor and Employment Article, Title 3, Subtitle 9, *Annotated Code of Maryland*, Workplace Fraud law requires that all individuals who perform work for remuneration paid by an employer be properly classified. An employer may not improperly classify an individual as an independent contractor rather than an employee if an employer-employee relationship exists. Certain individuals are exempt from this requirement, specifically sole proprietors who perform services in a personal capacity and employs no individuals other than family members.

The team of investigators and auditors within Employment Standards Service review certified payroll records, perform on-site investigations and conduct data driven audits to ensure Maryland construction and landscaping companies are in compliance with the Workplace Fraud Act.

Workplace Fraud Unit Activity Report 2011

Data below represents activity conducted between January 1, 2011, and December 31, 2011:

# of Cases Opened	626
# of Cases Closed	468
# of Citations Issued	4
Amount of Penalties Collected - Misclassification	\$0
Amount of Wages Collected	\$0

MARYLAND EMPLOYMENT AGENCY ACT

The Maryland Employment Agency Act is designed to protect persons who may utilize an agency's services to obtain employment. In exchange for employment, the worker would pay a fee. These establishments have decreased in popularity, with widespread accessibility of hiring organizations and the proliferation of public search engines. Employment agencies are not required to be licensed, but are required to obtain a penal bond and submit the bond to the Commissioner of Labor and Industry. There were 43 penal bonds (surety) submitted in 2011. The law prohibits employment agencies from engaging in specific activities and demands that certain procedural requirements be met. A business acting as an employment agency without filing the required bond is subject to criminal penalties including a fine not exceeding \$1,000 or imprisonment up to a year.

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 work-force 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 in the Department of Labor, Licensing and Regulation (DLLR).

The purpose of the Maryland Apprenticeship Act is to:

- Establish standards of apprenticeship and training to safeguard the welfare of apprentices;
- Encourage the development of a voluntary apprenticeship and training system through the cooperation of management, labor, and interested State agencies;
- 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; and
- Open to all people the opportunity to obtain training in skilled occupations which would equip them for profitable employment.

SERVICES OF THE MARYLAND APPRENTICESHIP PROGRAM

Apprenticeship is a voluntary, industry-driven program that 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 6.5% of Maryland’s newly registered apprentices are between 16-20. Maryland sponsors have registered apprentices in 58 different skilled occupations, which are representative of the State’s economic base. More than 7,844 apprentices were receiving training throughout the State as of December 31, 2011.

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 24 local jurisdictions, providing technical assistance to potential and existing program sponsors and apprentices. For industry sponsors and potential 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 Veterans' 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:

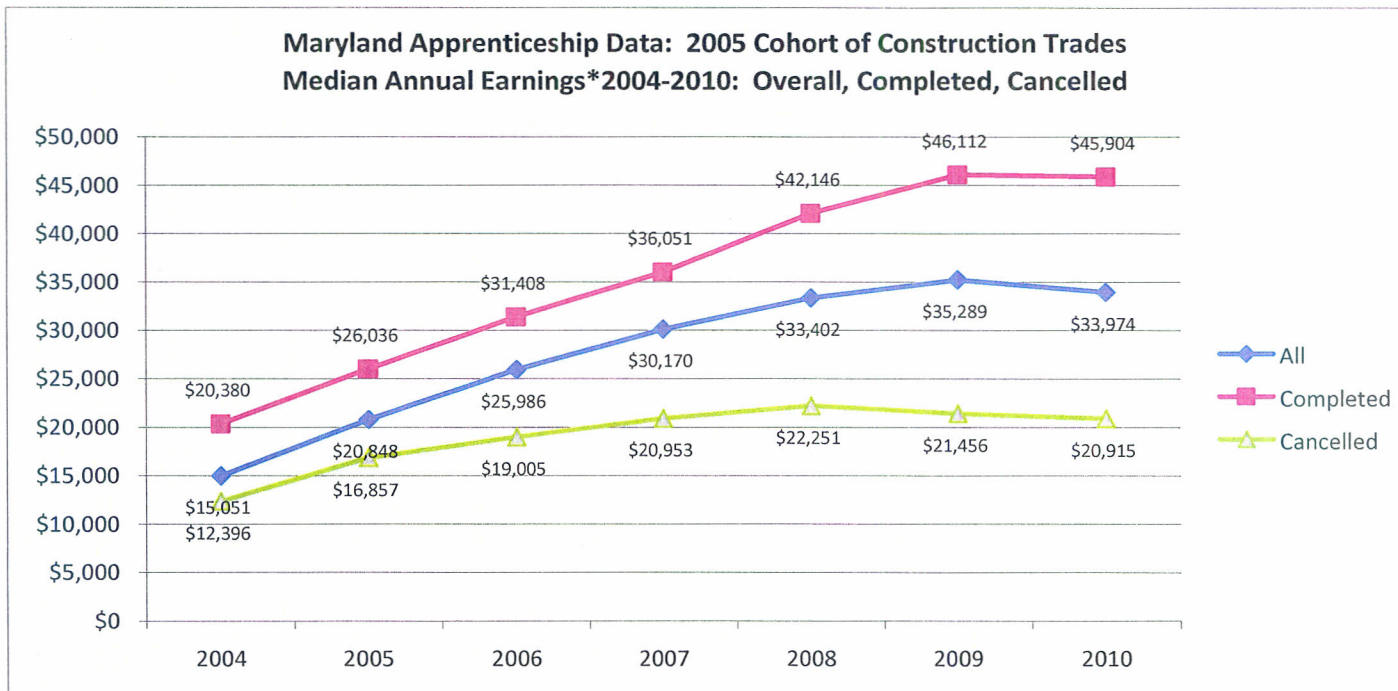
- Is being trained in one of 233 currently recognized highly skilled occupations by one or more of 3,212 employers participating in apprenticeship around the State.
- Is one of 7,844 active apprentices in the State.
- May be one of the 35% who are minorities, and/or 3.8% who are female.
- Will earn approximately 50% of the journey worker wage rate at the start of their apprenticeship and upon completion of apprenticeship will earn between \$15.00 to \$35.00 per hour or more depending upon location and the sector of the workforce involved.
- At the end of fiscal year 2011, 86% of apprentices worked in construction occupations, 12.6% worked in service industries, and 1.4% worked in the manufacturing sector.

History of Annual Earnings for Apprentices in Maryland

The chart below demonstrates the earning potential of apprentices that complete their registered program, versus those employees that fail to complete their apprenticeship or drop-out. On average, even employees that begin an apprenticeship, but fail to complete have a higher earning potential. This indicates that the work ethic learned through an apprenticeship program can be transferred to other employable skill-sets.

Between 2004 and 2010, an average of 1,151 registered apprentices graduated from their apprenticeship program sponsor. As indicated in the chart below these graduates have the potential for greater earnings than their peers who do not complete their program.

We are pleased to report that during calendar year 2011, the Maryland Apprenticeship Program registered 2,197 new apprentices, in both traditional and non-traditional skill-sets, and 1,457 registered apprentices graduated from their apprenticeship program sponsor.



*Note: Annual Earnings have been adjusted for inflation
 All Construction N=2,855 Completed N=1,502 Cancelled N=979

The Jacob France Institute (JFI) serves as a leading source of high quality statistical information and research covering the interaction of business, worker, and government investment decisions. Analysis of trends in the location and quality of employment along with continued education and training opportunities and outcomes are of particular importance in our current portfolio of research. Research and graphs prepared by Treva Stack, Researcher/Statistician at JFI.

Maryland 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, and preserving our human resources." 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, longshoring, and mining industries in Maryland. 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 program also administers the Access to Information about Hazardous and Toxic Substances Law, Labor and Employment Article, Sections 5-401 through 5-409.

The MOSH program consists of four units: *Research and Statistics, Compliance, Consultation, and Outreach.*



[New MOSH Headquarters located in Hunt Valley, Maryland](#) which houses Research and Statistics, Compliance, Consultation and Outreach. The Training and Education Unit of Outreach has an entrance for the general public

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. In 2011, Federal OSHA sent out twelve new directives or standard notices that adopted new regulations. MOSH adopted or plans to adopt all but one of these new directives to ensure that the employees in Maryland are protected to the highest degree.

The Office of the Assistant Commissioner for MOSH also responds to requests under the Maryland Public Information Act for copies of documents maintained by the MOSH Program. The office received 207 requests for information during 2011.

Enforcement

Compliance

Enforcement is the largest unit within the agency. In 2011, MOSH averaged approximately 56 compliance officers located within three regions throughout the State. The main headquarters for the agency is located in Hunt Valley with field offices in Easton and Hagerstown. Each office covers a group of counties with compliance officers specializing in safety and industrial hygiene.

During 2011, compliance officers conducted 1,235 inspections through its enforcement programs, removed over 33,000 employees from hazardous conditions, and identified over 6,600 hazards. In 2011, compliance officers investigated 117 complaints with serious hazards as concerns, and investigated 16 fatalities (six less than last year), no catastrophes were reported.

MOSH trains its compliance officers to the fullest extent possible and are regarded as some of the most technically diverse inspectors able to readily identify hazards across industries. Eighteen compliance officers attended the OSHA Training Institute (OTI) in 2011. Courses ranged from topics including: Basic Whistleblower Investigations, Consultation System Assessment Training, Accident Investigation, Inspection Techniques and Legal Aspects, Safety and Health Chemical Processing Industries, Evaluation of Safety and Health Management Systems, and Excavation, Trenching, and Soil Mechanics. By attending these training courses, compliance officers develop their specialized skills as highly trained investigators. MOSH was fortunate to bring several outstanding training classes to our headquarters in Hunt Valley. Classes included the following topics: OSHA's Fall Arrest Systems 3110, OSHA's Electrical Safety Standards, NFPA 70E, Assertive Leadership, General Industry Standards, and Team Building/Coaching/Mentoring.

Discrimination

MOSH is charged with handling discrimination complaints. 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 investigations. The Commissioner, or his authorized representative, makes the final determination in the cases 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 2011, 27 discrimination complaints were filed and investigated by MOSH. In early 2011, MOSH began re-vamping its discrimination unit adding a new investigator and working with a regional discrimination investigator to ensure that the program was following all federal policies.

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 2011

	Voluntary compliance Sites	Inspections /Investigations	Violations	Training Classes	Training participants	Other Persons Affected	Complaints w/ serious hazards inspected	Fatalities investigated	Fatalities investigated <1 day of notification	Discrimination Cases Completed (including FYI Cases)
Jan-11	0	146	450	5	91	1	8	0	N/A	8
Feb-11	1	125	372	12	265	563	18	0	N/A	2
Mar-11	1	119	741	8	203	320	13	1	1	1
Apr-11	1	127	585	19	299	353	8	2	2	1
May-11	0	157	803	12	256	209	3	0	N/A	5
Jun-11	0	183	760	7	107	630	11	4	4	4
Jul-11	0	133	635	8	227	63	9	2	2	2
Aug-11	4	123	427	13	240	508	12	3	3	0
Sep-11	0	146	664	9	125	312	7	2	2	3
Oct-11	0	105	497	7	133	413	12	0	N/A	4
Nov-11	0	112	407	8	130	85	13	1	1	4
Dec-11	0	142	646	3	45	212	3	1	1	2
Total	7	1,618	6,987	111	2,121	3,669	117	16	16	36

Outreach Programs

The MOSH program has three opportunities for employers in Maryland to partner with the agency and voluntarily go above and beyond the minimum requirements set forth by MOSH/OSHA. These three programs consist of Voluntary Protection Program (VPP), Safety and Health Achievement Recognition Program (SHARP) and Cooperative Compliance Partnerships (CCP). In 2011, these three programs entered into seven voluntary compliance agreements, each outreach program is discussed in further detail below. These programs are implemented to allow Maryland employers to build a working relationship with MOSH personnel, ultimately reducing injuries and illnesses beyond what traditional enforcement achieves. These three partnership opportunities are prestigious and hard to accomplish. Companies that achieve a partnership status are looked upon as leaders in safety and health.

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. These relationships are synergistic in nature as together the organizations involved can produce results that are exponential to the limited resources involved.

Active Alliances in 2011

Maryland Fire Rescue Institute (MFRI) 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 & Excavation Competent Person class in both English and Spanish. MFRI has continued to offer the Trenching & Excavation classes on MOSH's Safety and Health Educational Seminars Schedule even after the Susan B. Harwood Grant has ended. In 2011, MFRI offered to assist MOSH in the setup and operation of their Mobile Response Trailer including educating Compliance Safety and Health Officers (CSHO) for emergency responses when needed to respond to a disaster, catastrophic event, or local emergency.

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 addressed issues together such as training (in Spanish and English) and hazards specific to trade industries including masonry, framing, siding, and roofing with a focus on falls, electric shock, "struck by", and "caught in." In 2011, the alliance worked together on outreach opportunities to help educate employers on fall protection regulatory changes. The alliance discussed expanding its membership to include the subcontractors of the current membership as well as those who are building mixed-use, condominiums, apartments, etc.

State Highway Administration (SHA) 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 the State is

shared and disseminated throughout the State. Information relative to large sites, enforcement practices, and building safety into the bid is shared throughout the year.

Voluntary Protection Program (VPP)

The Maryland VPP program 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.

The VPP unit added one new site in 2011, Covanta Montgomery Station in Derwood, MD, bringing the program up to fourteen active sites. MOSH also completed and approved the re-certification process for Wheelabrator (Baltimore) and Sherwin Williams (Crisfield). MOSH conducted seven VPP pre-application visits with prospective VPP sites during the year. The coordinator also attended the 2011 Region III VPPPA Conference, attended two meetings of the Region III VPPPA Board of Directors, participated in six Region III VPPPA Board of Directors conference calls, and participated in one National VPP Managers conference call.

Cooperative Compliance Partnerships (CCP)

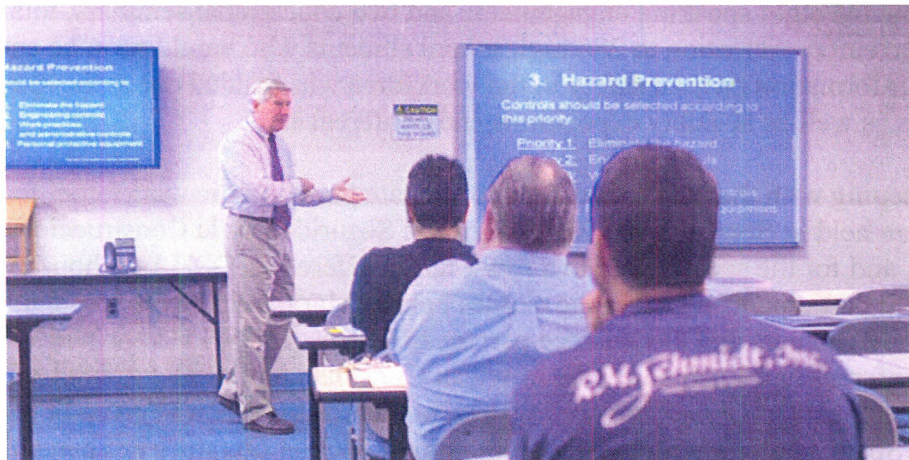
In 2011, MOSH continued to expand its CCP program by signing three new partnerships. This brings the programs total to fifty-seven partnerships since its inception in 1997. Since the program began fourteen years ago, just over \$4 billion of new construction has been under contract through the partnerships with injury and illness rates near zero. In 2011, there were eleven active sites with 4,284 employees working on these sites throughout the State with no serious injuries or fatalities. The new partnerships entered into include:

CCP Signing Ceremonies 2011		
Company Name	Project Name	CCP Signing Date
The Whiting-Turner Contracting Company	UMMC Trauma, Critical Care and Emergency Medicine	4/26/2011
Lend Lease	The Village at Odenton Station	8/30/2011
The Whiting-Turner Contracting Company	John & Frances Angelos Law Center	8/18/2011

The CCP program is currently reviewing one new application for 2012 with total project values of over \$50 million. The program expects to receive more applications for 2012 and continue 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. In addition, three meetings a year are held bringing in all participating partners across the State to share technical updates, work on initiatives together, and strengthen the informational relationship between the industry and MOSH.

Training and Education

The education unit provides the public with information pertaining to MOSH/OSHA laws and regulations. It provides flyers, fact sheets, brochures, pamphlets and books to employers inquiring about compliance issues at no charge. The unit also has a video library that contains several hundred titles on safety and health issues that employers can check out to aide in their training of employees. The training and education unit also maintains a comprehensive reference library with several hundred books, national census 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 the State. This unit is also responsible for teaching free public seminars on a variety of safety and health topics. A public website (<http://www.dllr.state.md.us/labor/mosh>) is also maintained by this unit where employers/employees can search for regulations, publications, class schedules and general information about MOSH. In 2011, MOSH continued to enhance its website to make it more user friendly.



Free seminar given at MOSH's state-of-the-art Training Facility located in the MOSH Headquarters.

To enhance the unit's ability to reach as many employers and employees as possible, MOSH purchased an email marketing tool to aid in the dissemination of seminar brochures and announcements of training. MOSH also has two new videos, one that highlights our Consultation Services and one that gives an overview of the agency. They can be found on our website at <http://www.dllr.state.md.us/labor/mosh/moshvideos.shtml>. We believe that these tools will help employers within the State learn about the services that MOSH can provide. In 2012, this unit plans to explore the possibilities that social media has in aiding the agency with training and education.

Public Presentations

This year was another big year for the education unit. The unit continued to develop and handout its bi-annual seminar schedule. Classes continued to be revamped and four new classes were added to the schedule (Airline Cargo Safety, Back to Basics – Cranes, NFPA 70E, and Siding – Installation Safety). The majority of these seminars were instructed by seventeen Compliance Safety Health Officers. A bulk mail permit was successfully obtained to save

postage costs and used to mail schedules out to several hundred employers throughout the State. Several of the seminars were taught by alliance and/or partner members.

In 2011, MOSH held eighty-nine educational seminars with 1,681 participants across the State. Topics included everything from Construction Site Safety to Industrial Hygiene issues in Construction to Workplace Violence to New Maryland Regulations for Cranes. With regard to cranes, MOSH offered four seminars in 2011 with 88 participants. All of the seminars provide detailed 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 presentations. 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 2011 MOSH was able to participate in 75 speaking engagements with a total of 2,636 attendees. In all, MOSH staff was able perform over 8,000 hours of free training for employers and employees throughout the State.

MOSH considers teen safety among one of its highest priorities. As a result in 2011, MOSH conducted eight speaking engagements and two educational seminars, totaling nearly 30 hours, on teen safety education to 280 high school students who would soon be entering the workforce. Information on teen safety in the workforce was handed out at the speaking engagements as well as at safety expositions and conferences.

In keeping with the agency's efforts to educate the Hispanic workforce, four educational seminars were held in Spanish covering two topics: Seguridad en la Construcción (Construction Site Safety); and for the second year in a row MOSH offered an OSHA 10 hour in Spanish. In all, nearly 100 participants attended the classes held in Maryland. These seminars are taught by one of our CCP partners and our alliance partner MHBSA. MOSH also provided booths at three Hispanic Conferences sponsored by the Mexican Consulate that were extremely fruitful with over 600 participants. A general overview presentation of MOSH was given at each, in both English and Spanish, along with the dissemination of MOSH literature in Spanish.



MOSH participates in a number of local trade shows and safety conferences every year to disseminate literature and information on the agency. In 2011, MOSH attended and manned booths at 14 events where nearly 3,000 people attended.

Videos and Publications

The MOSH Training and Education Unit maintains an audio/visual lending library of over 400 video/DVD titles on a wide variety of safety and health-related topics. During 2011, 84 employers requested, and were loaned, a total of 113 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 1,628 employees viewed the videos/DVDs in the State of Maryland. MOSH believes that educating the Hispanic community is very important, the MOSH audiovisual library

currently has 94 video titles that are in Spanish. Of the 113 total loaned for videos/DVDs, 40 were 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 to correct 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 work site 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 2011, the Private Sector Consultation Program consisted of: three full-time safety consultants; one new safety consultant trainee; one full-time health consultant (who retired in May); and one health consultant trainee. The unit was able to complete 216 on-site hazard surveys. Forty-nine follow-up and four training visits were also completed during 2011. Based on closing conference dates during the same period, 1,149 serious hazards and 721 other hazards were found.

Public Sector Consultation

MOSH Public Sector Consultation provides assistance to prevent injury and illness to state, county, and municipal employees. Upon 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 2011, Public Sector Consultation completed 29 on-site hazard surveys. Based on closing conference dates during the same period, 328 serious hazards and 90 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 businesses. In 2011, MOSH Consultation added two new SHARP employers; Cianbro Fabrication & Coatings, and Acadia Windows & Doors, Inc.

RESEARCH AND STATISTICS

The MOSH Research and Statistics Unit is responsible for developing and implementing data collection programs that generate occupational injury and illness statistical data. The statistics from these programs provide a valuable tool that help guide the Maryland Occupational Safety and Health agency's surveillance efforts through the creation of a body of information that describes the nature and cause of occupational injury and disease and in identifying the most hazardous industries in the State that require outreach or intervention.

Bureau of Labor Statistics' 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 within the Maryland Division of Labor and Industry conducts an annual Survey of Occupational Injuries and Illnesses (SOII). Each year approximately 4,700 Maryland business establishments -- 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 estimates are based upon injury and illness logs kept by employers throughout 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, training and the number of hours worked. SOII also provides details on the demographics of the more seriously injured and ill workers (e.g., occupation, gender, race and length of service) along with the characteristics of their injuries and illnesses (e.g., nature of injury/illness, part of the body affected, event or exposure, and source of the injury/illness).

Policy makers in government and industry use the SOII data. In addition, labor organizations, manufacturers of safety equipment, academics and other researchers in the field of occupational safety and health are users of the SOII data. The U.S. Bureau of Labor Statistics includes Maryland's survey results when compiling the official national statistics. Program results are also used to establish and assess agency performance measures. Maryland employers use the SOII data to measure the effectiveness of their own safety programs by comparing individual establishment injury and illness rates to the aggregate state and national numbers for their respective industries. Federal OSHA uses the SOII to measure the effectiveness of certain MOSH activities and in measuring our overall 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 occupational injuries and illnesses.

Nonfatal Workplace Injuries and Illnesses in Maryland for 2010

Nearly 74,000 nonfatal work-related injuries and illnesses were reported by Maryland's public and private sector workplaces during 2010 which have the latest results of the Bureau of Labor Statistics' Survey of Occupational Injuries and Illnesses (SOII). These injury and illness estimates cover approximately 2.3 million workers in the State. There were 1,300 more injury and illness cases reported in 2010 than in 2009. The number of injuries and illnesses converts to a total recordable case (TRC) incidence rate of 3.9 injuries and illnesses per 100 equivalent full-time workers. For 2010, Maryland's TRC rate for all industries, including State and local government is statistically equivalent to the national average.

Occupational Injury and Illness Summary Data, Maryland's Private Sector, 2010

Occupational injuries and illnesses among Maryland's private sector employers occurred at a rate of 3.6 cases per 100 equivalent full-time workers. Ninety-six percent of the total 58,900 cases reported by private sector employers were injuries with the remaining 2,400 cases illnesses. Maryland's private sector injury and illness estimates cover almost two million workers.

Eight industry sectors experienced declines in their total recordable injury and illness rates from the previous year, they were: manufacturing, retail trade, utilities, information, financial activities, real estate and rental and leasing, management of companies and enterprises, and accommodation and food services.

The following industry sectors experienced increases in their rates: agriculture, forestry, fishing and hunting, mining, construction, wholesale trade, transportation and warehousing, professional business services, administrative and support and waste management and remediation services, educational services, health care and social assistance, arts, entertainment, and recreation, and other services, except public administration.

Occupational Injury and Illness Summary Data, Maryland's Public Sector, 2010

Public sector injury and illness estimates for Maryland State and local government workers have been published every year since 1979. Representing 345,000 employees, State and local government recorded 15,000 injuries and illnesses in 2010. The total recordable case incidence rate for all injuries and illnesses was 5.8 cases per 100 fulltime equivalent employees. That is a slight decline from the previous year's rate of 5.9.

State Government

With 4,600 reported cases converting to a total recordable case rate of 5.3 injuries and illnesses per 100 fulltime equivalent workers, Maryland State government's incidence rate declined 10 percent from the previous year. Of that total, two thousand injury and illness cases were severe enough to require the injured or ill worker to be away from work for at least one day to recuperate.

Local Government

Local government experienced a two percent increase from the previous year's recorded rate of 5.9 cases per 100 equivalent fulltime workers to 6.0 cases in 2010. For the second year in a row the total recordable case rate for Maryland's local government remained below the national rate for local government. Of the 10,400 cases reported, 4,300 were severe enough to require at least one day away from work for recuperation. In 2010, slightly over 244,000 workers were employed by the State's county governments and local municipalities.

Background of the Survey

The Survey of Occupational Injuries and Illnesses (SOII) is a cooperative program between the State of Maryland's Department of Labor, Licensing and Regulation, Division of Labor and Industry and the U.S. Department of Labor, Bureau of Labor Statistics. SOII provides estimates of the number and frequency (incidence rates) of nonfatal occupational injuries and illnesses by industry code as defined by the 2007 North American Industry Classification System (NAICS) manual. The SOII program also provides details on the circumstances and characteristics of the more seriously injured and ill workers. These injury and illness estimates are based on safety and health logs that, by law, employers are required to keep. Occupational injury and illness statistics have been published for Maryland's private sector every year since 1973 and for State and local government since 1979.

The SOII program utilizes an employer-based questionnaire to collect occupational injury and illness data. Survey forms are mailed to a scientifically selected random sampling of businesses in Maryland. Most employers now submit their data electronically through a secure on-line website. The responses are compiled, tabulated and published annually. The Bureau of Labor Statistics' Survey of Occupational Injuries and Illnesses is the primary source for charting the nature and magnitude of the occupational injury and illness problem across the country.

Statistical sampling techniques are used for producing the estimates. Because the results are based on a random sampling of establishments in the universe file (the universe is all operating in-scope establishments in Maryland's unemployment insurance tax file), the estimates probably differ from the figures that would be obtained if every establishment in the State had participated. To determine the precision of each data estimate, a standard error is calculated. The standard error defines a range (confidence interval) around each estimate. Relative standard errors are calculated for every estimate produced.

The quality of the data are dependent on the employer's understanding of which cases are recordable under the Occupational Safety and Health Administration's recordkeeping regulation. Maryland State agencies and all local government municipalities and jurisdictions are required by law to keep records of occupational injuries and illnesses. Additionally, many private sector establishments are required to keep injury and illness records. In order to have a complete picture of the occupational injury and illness experience for the economy, many establishments normally exempt from OSHA's recordkeeping requirements are also surveyed. The OSHA recordkeeping system is designed to measure the incidence, rather than the prevalence, of occupational injury and illness. Prevalence measures capture all injuries and illnesses that occur in a given year including ongoing or unresolved cases from previous years. The intent of the OSHA recordkeeping system is to measure each occupational injury and illness only once. The SOII,

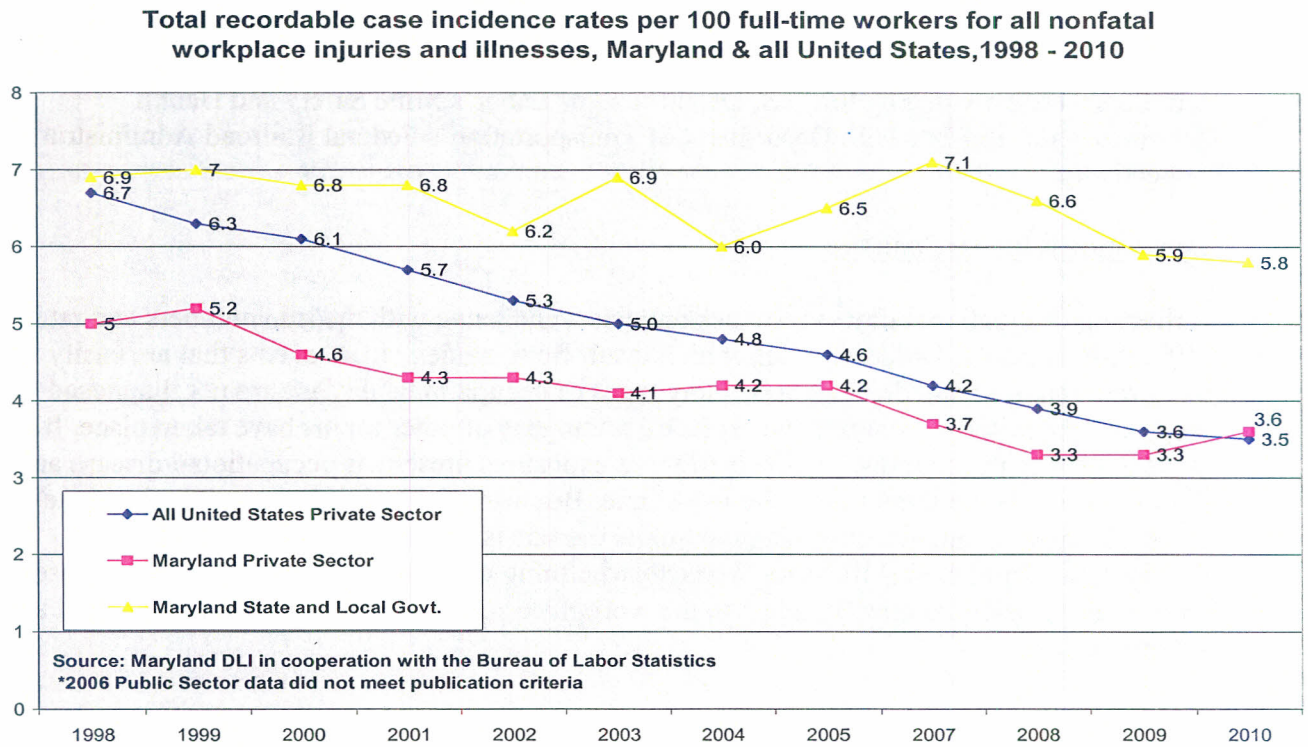
therefore, provides estimates of the number and rate of only new injuries and illnesses in a given year.

Excluded from the Survey of Occupational Injuries and Illnesses are the self-employed, farming operations with fewer than 11 employees, private households and federal government agencies. Occupational injury and illness data for coal, metal and nonmetal mining, and for railroad activities were provided by the U.S. Department of Labor's Mine Safety and Health Administration and The U.S. Department of Transportation's Federal Railroad Administration, respectively.

Occupational Illness Statistics

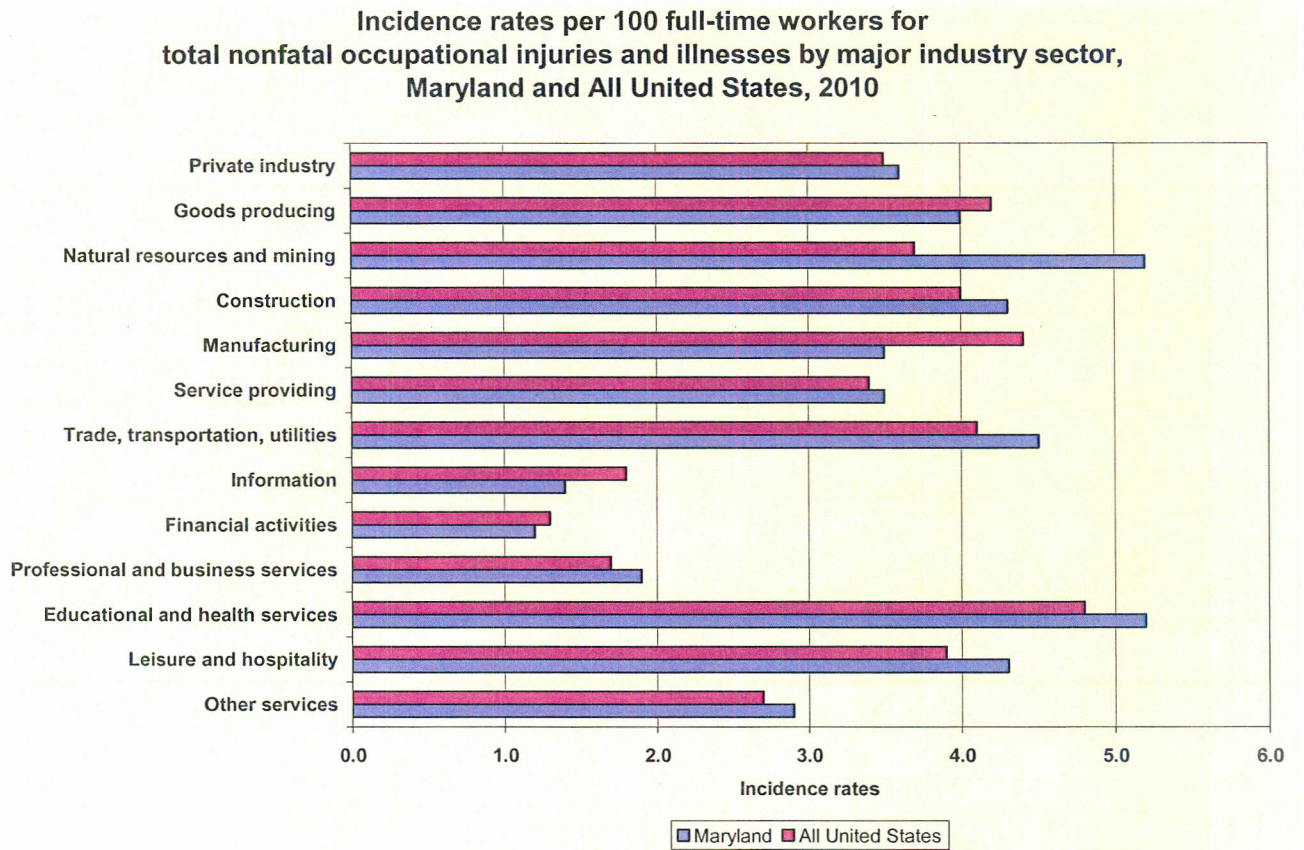
Collecting occupational illness statistics remains a challenge with the true numbers and rates difficult to measure. Unlike injuries, which result from sudden, acute events that are easily observed, reported and documented, many types of occupational disease are not diagnosed until long after the initial exposure to workplace carcinogens or other toxins have taken place. It may be years before the cumulative effects of these exposures present as occupational disease and the ill employee may no longer be in the workforce. Because of this, it is believed the incidence of certain long-term, latent forms of occupational disease is understated by the Survey of Occupational Injuries and Illnesses. The overwhelming majority of the reported illness cases are those that are easier to directly relate to the workplace such as contact dermatitis or carpal tunnel syndrome.

Chart 1, Total recordable case rates for all nonfatal occupational injuries and illnesses per 100 equivalent full-time workers, Maryland and all the United States, 1998 – 2010.



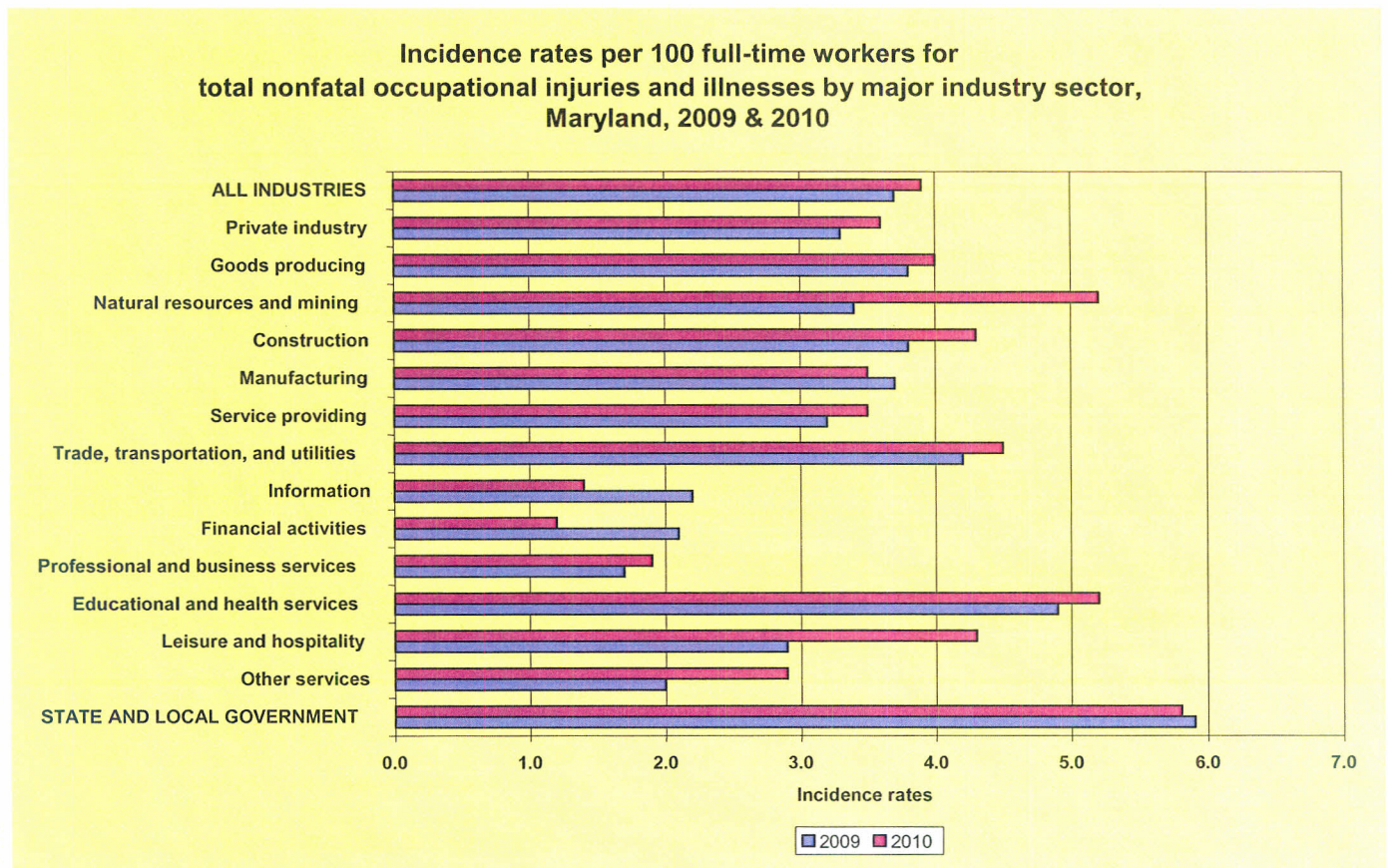
SOURCE: Maryland Department of Labor, Licensing and Regulation in cooperation with the U.S. Department of Labor, Bureau of Labor Statistics, Survey of Occupational Injuries and Illnesses, 2011

Chart 2, Comparison of incidence rates per 100 equivalent full-time workers for total nonfatal occupational injuries and illnesses by major NAICS industry sector, Maryland and all United States, 2010



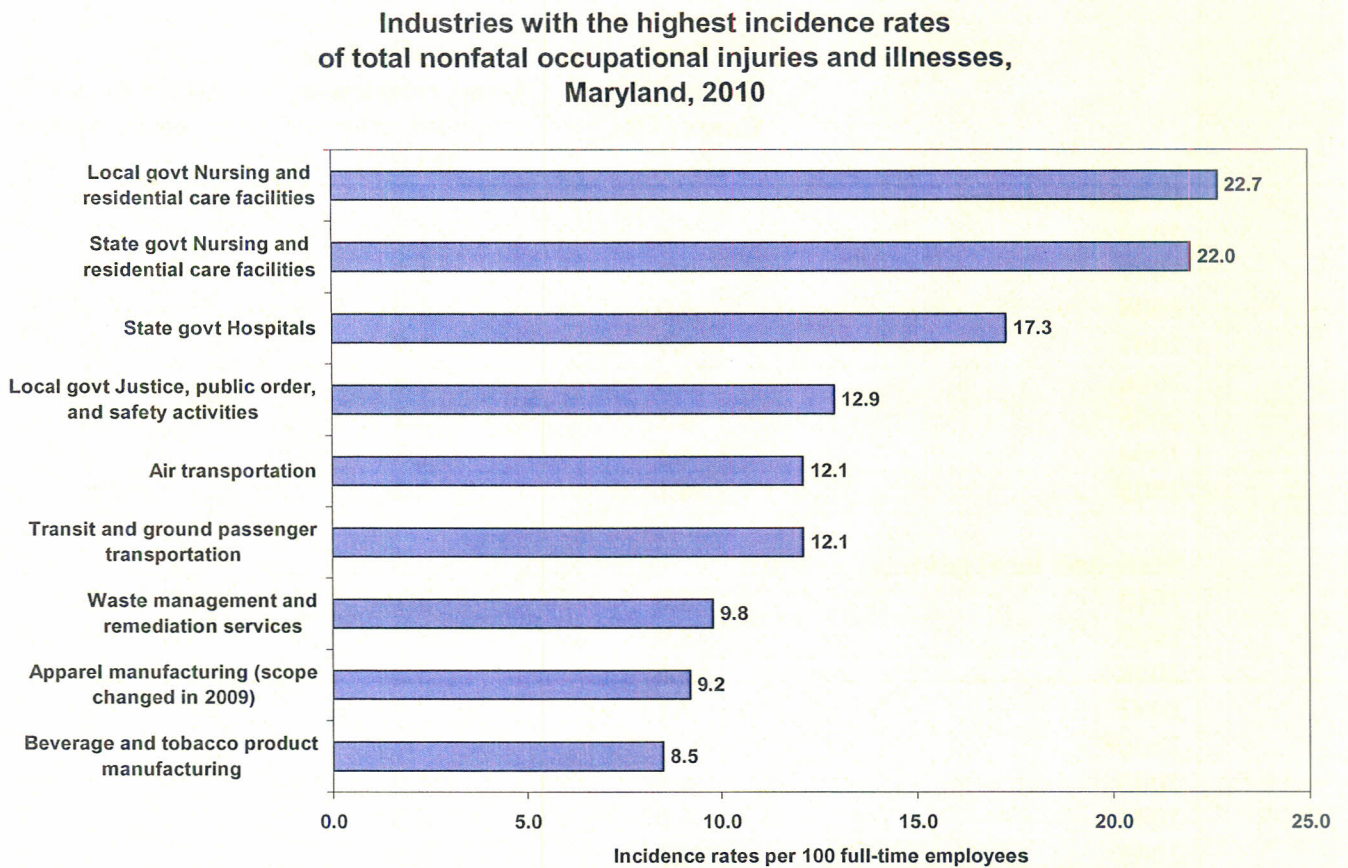
SOURCE: Maryland Department of Labor, Licensing and Regulation in cooperation with the U.S. Department of Labor, Bureau of Labor Statistics, Survey of Occupational Injuries and Illnesses, 2011.

Chart 3, Two-year comparison of total recordable case incidence rates for all nonfatal occupational injuries and illnesses per 100 equivalent full-time workers by major industry sector, Maryland



SOURCE: Maryland Department of Labor, Licensing and Regulation in cooperation with the U.S. Department of Labor, Bureau of Labor Statistics, Survey of Occupational Injuries and Illnesses, 2011.

Chart 4, Industries with the highest total recordable case rates for nonfatal occupational injuries and illnesses by 3-digit NAICS sub-sector, Maryland, 2010



Source: Maryland DLLR, Division of Labor and Industry in cooperation with U.S. Dept. of Labor, Bureau of Labor Statistics,
 SOURCE: Maryland Department of Labor, Licensing and Regulation in cooperation with the U.S. Department of Labor, Bureau of Labor Statistics, Survey of Occupational Injuries and Illnesses, 2011.

**Maryland Nonfatal Incidence Rates
Survey of Occupational Injuries and Illnesses, 2003-2010**

	Total Recordable Cases (TRC)	Cases with days Away, restriction, or transfer (DART)	Other recordable cases (ORC)
Private Industry			
2010	3.6	1.9	1.7
2009	3.3	1.7	1.6
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.			
2010	5.8	3.1	2.7
2009	5.9	3.0	2.9
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.			
2010	3.9	2.1	1.8
2009	3.7	1.9	1.8
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: Maryland Department of Labor, Licensing and Regulation, Division of Labor and Industry in cooperation with the U.S. Department of Labor, Bureau of Labor Statistics, Survey of Occupational Injuries and Illnesses, 2011. Incidence rates represent the number of injuries and illnesses per 100 full-time workers.

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

Bureau of Labor Statistics' Census of Fatal Occupational Injuries (CFOI) Program

In cooperation with the U.S Department of Labor, Bureau of Labor Statistics, the Maryland Department of Labor, Licensing and Regulation, Division of Labor and Industry conducts the Census of Fatal Occupational Injuries (CFOI) program.

Key findings of the Census of Fatal Occupational Injuries for Maryland, 2010

In 2010, fatal work injuries in Maryland (the majority of which are not under MOSH jurisdiction) totaled 69, an increase of 4 fatalities from 2009, according to the preliminary results of the Maryland Census of Fatal Occupational Injuries (CFOI) program. This represented a six percent increase from the previous year's count for the State. Final results for Maryland and the nation will be released in April 2012.

Homicides and highway accidents, each with 11 reported cases, were the two most frequent causes of work-related death in Maryland during 2010. Together they accounted for slightly under one-third of the total. Other frequent fatal occurrences were vehicle-pedestrian incidents (10), falls to a lower level (9), and worker struck by objects or equipment (8). Together these five types of events accounted for 71 percent of all job-related deaths in the State during 2010.

Workplace homicides fell in Maryland by 22 percent from 14 cases in 2009 to 11 in 2010. Homicides represented 16 percent of all worker fatalities for the State. Nationwide, homicides accounted for 11 percent of deaths. There were also six cases of suicide reported. Work-related suicides accounted for nine percent of the State's total and 6 percent for the nation.

Highway accidents, representing 16 percent of Maryland's total, accounted for 21 percent of the national numbers. Deaths from vehicle-pedestrian incidents increased in Maryland from 6 in 2009 to 10 in 2010. Vehicle-pedestrian incidents accounted for 15 percent of the State's total and 6 percent of the nation's workplace fatalities.

Deaths from falls to a lower level were down 10 percent in the State from the previous year. In 2010 they accounted for 13 percent of Maryland's total and 11 percent nationwide. From 2000 to 2010, there were 132 workers killed in the State from falling to a lower level.

Private sector construction had the largest number of fatalities with 18 reported cases. Government followed with 10 cases. Other industries with fatalities included: transportation and warehousing (9); professional and business services (8); administrative and support services (7); accommodation and food services (5); retail trade (5); manufacturing (4); other services, except public administration (4); and natural resources and mining (3).

Characteristics of fatal work injuries in Maryland

- Though men accounted for roughly 52 percent of those employed in the State,¹ they accounted for 99 percent of the work related deaths.

¹ SOURCE: U.S. Dept. of Labor, Bureau of Labor Statistics

- Sixty-one percent of those who died from workplace injuries in Maryland in 2010 were white, non-Hispanic (42 cases). The most frequent type of fatal work event for a white, non-Hispanic worker was a transportation related incident with 12 reported cases.
- Nineteen percent of the decedents were black, non-Hispanic (13 cases). For this racial group the most frequent cause of death was an assault or violent act with seven cases.
- Deaths to Hispanic or Latino workers accounted 17 percent of the total (12 cases). The most frequent type of event for Hispanic or Latino workers was a transportation incident with five cases.
- In 2010, workers 25 -54 years old - the prime working age group – made up 65 percent of Maryland’s total and 60 percent of the 4,547 workers killed in the United States.
- Of the 69 occupational fatalities that occurred in the State, 78 percent worked for wages and salaries; the remaining workers were self-employed. The leading cause of death for the wage and salary workers was a transportation incident, while falls were the leading case of death for the self-employed.
- Fatal work injuries in the transportation and material moving occupations declined by 20 percent from 20 in 2009 to 16 in 2010. This occupational category, for four of the last six years, has had the highest fatality count in the State. In 2010, half of these workers were heavy and tractor-trailer truck drivers in 2010.
- The construction and extraction occupations had the second highest fatality count with 14 cases, followed by workers engaged in installation, maintenance, and repair work with 10.

Background of the Program

The Census of Fatal Occupational Injuries and Illnesses (CFOI) is a cooperative program between the State of Maryland, Department of Labor, Licensing and Regulation, 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 media 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.

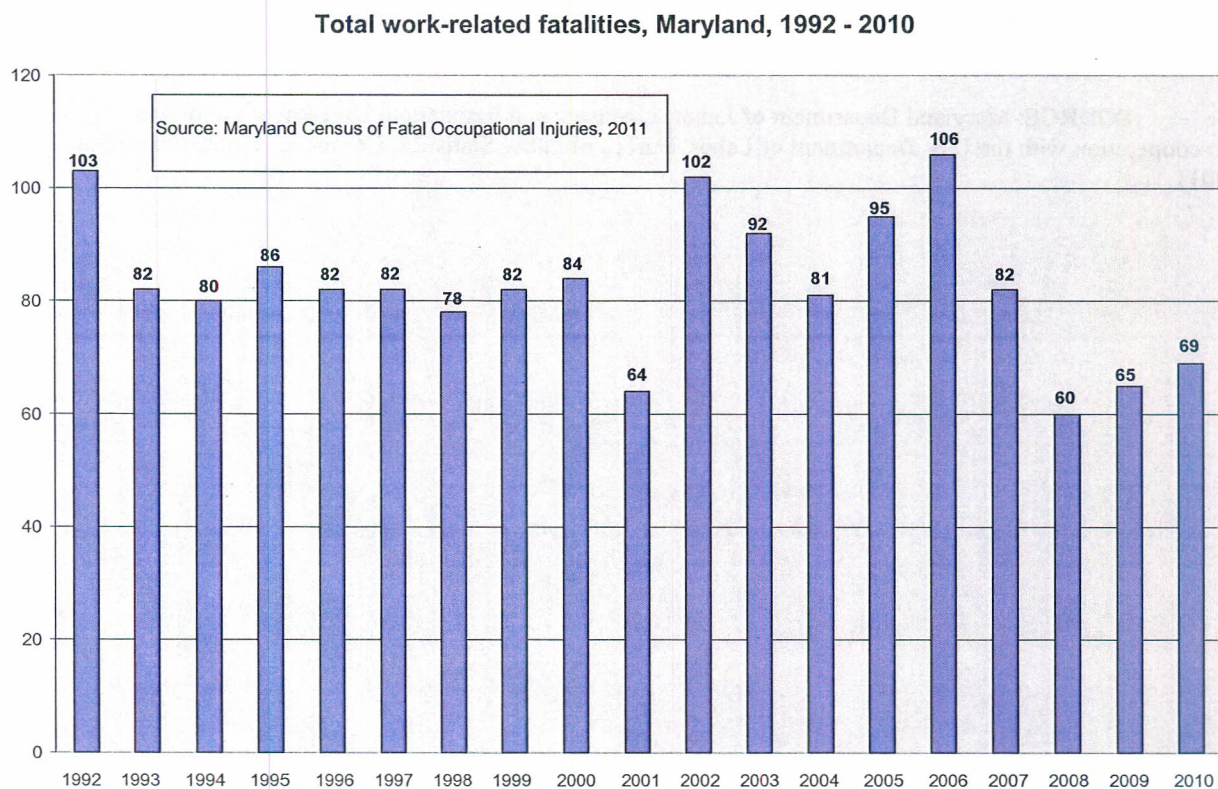
For a fatality to be included in the census, the decedent must have been employed (that is, working for pay, compensation, or profit) at the time of the event, engaged in a legal work activity, and present at the site of the incident as a requirement of his or her job. Fatalities to volunteers and unpaid 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 State and federal agencies administering specific laws and regulations. (Fatalities that occur during a person’s normal commute to or from work are excluded from the census count.)

Data presented in this release include deaths occurring in 2010 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 the 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 illness 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.

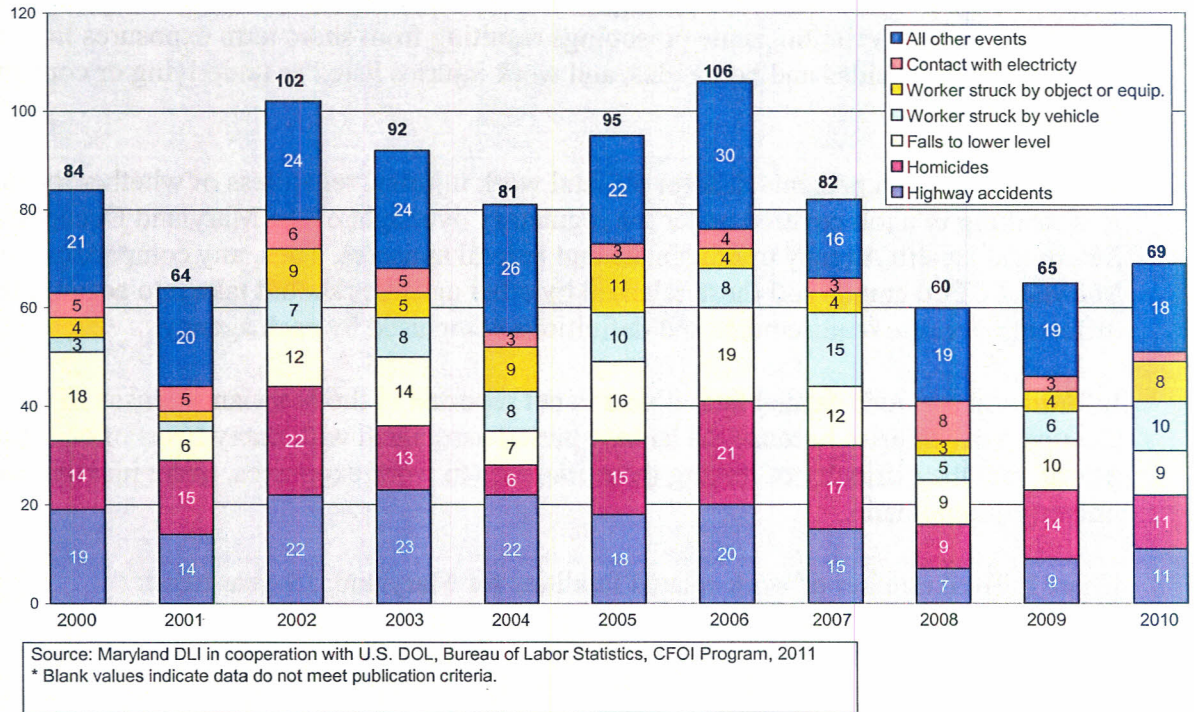
Chart 1, Total number of work-related fatalities for Maryland, 19-year trend:



SOURCE: Maryland Department of Labor, Licensing and Regulation, Division of Labor and Industry in cooperation with the U.S. Department of Labor, Bureau of Labor Statistics, Census of Fatal Occupational Injuries, 2011.

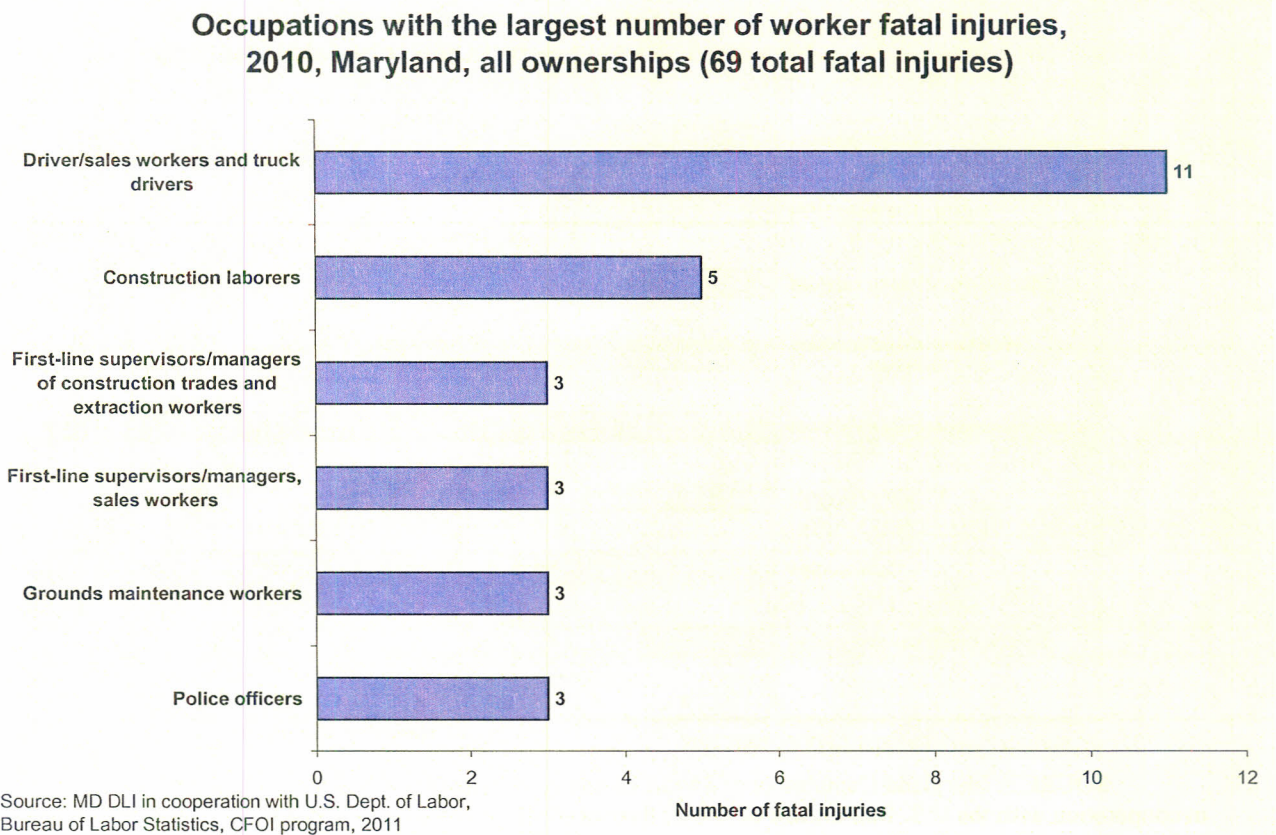
Chart 2, Maryland workplace fatalities by selected events, 11-year trend.

Total workplace fatalities and selected events, Maryland, 2000 - 2010



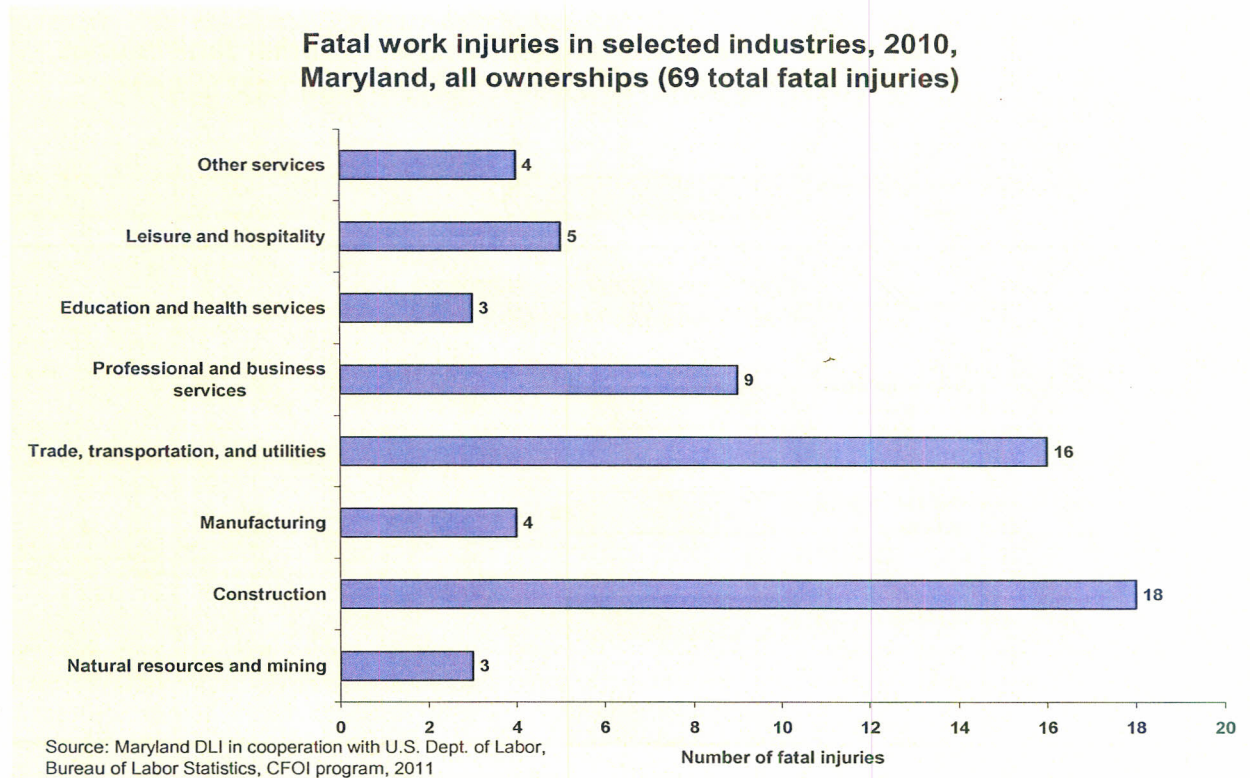
SOURCE: Maryland Department of Labor, Licensing and Regulation, Division of Labor and Industry in cooperation with the U.S. Department of Labor, Bureau of Labor Statistics, Census of Occupational Injuries, 2011.

Chart 3, Fatalities by occupation.



SOURCE: Maryland Department of Labor, Licensing and Regulation, Division of Labor and Industry in cooperation with the U.S. Department of Labor, Bureau of Labor Statistics, Census of Occupational Injuries, 2011.

Chart 4, Fatalities by industry.



SOURCE: Maryland Department of Labor, Licensing and Regulation, Division of Labor and Industry in cooperation with the U.S. Department of Labor, Bureau of Labor Statistics, Census of Occupational Injuries, 2011.

OSHA Data Initiative

The MOSH Research and Statistics Unit also conducts the OSHA Data Initiative (ODI). ODI employs an employer-based questionnaire modeled after the Bureau of Labor Statistics' Survey of Occupational Injuries and Illnesses. The objective of the ODI program is to collect site-specific occupational injury and illness data from high hazard non-construction private and public sector establishments that have 20 or more employees. ODI provides the base data for OSHA's Site-Specific Targeting (SST) program. MOSH uses this establishment specific data as a basis for targeting safety and health intervention initiatives such as inspections, consultations, outreach and other technical assistance. MOSH also uses the ODI results for resource allocation and measuring the effectiveness of the agency's performance. In October 2007, MOSH began its first year of implementing targeted inspections from this data source and the agency has benefited from the synergistic effects of enforcement, consultation, and outreach all working from the same data and coordinating efforts.

Employer's First Report of Injury or Occupational Disease

In 2011, Maryland employers submitted approximately 63,100 Workers' Compensation First Report of Injury and Illness forms to the Division of Labor and Industry. Once received, the First Report of Injury forms are categorized based on outcome severity (lost time vs. no lost

time) then reviewed to identify potential safety and health problems. Serious injury and illness cases such as fatalities, amputations, and health issues are forwarded to MOSH Compliance for further review. The First Report of Injury and Illness forms are then filed for future reference and after two years archived with General Services, Records Management Center.

Prevailing Wage Compliance

CONTRACTS FOR PUBLIC WORKS

The Division is responsible for implementing the prevailing wage law on covered public works contracts, ensuring proper classification of workers, rates of pay and conditions of employment. The Maryland prevailing wage law and regulations are intended to encourage the development of a high-skill, high-wage growth path for the construction labor market in public works contracting. Union and non-union contractors win public works jobs based on having the most productive, best equipped and best managed workforce. This creates a win/win situation for successful contractors and their workers.

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 annual surveys and from payrolls submitted by contractors. 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 are issued. At the end of 2011, 236 covered projects were under construction.

Activity for 2011	
Payrolls received	56,904
Audits performed	38,179
Determinations issued	266
Estimated dollar amount of determinations issued	\$2,039,030,876
Wages recovered for employees	\$482,963
Liquidated damages collected for violations	\$421,080

The Prevailing Wage Law requires contractors to submit certified payroll statements indicating proper worker classification and wages for both straight and overtime work. The payrolls are audited by field investigators to determine whether employees are paid according to the determinations issued. Together with information from field investigations and employee complaints, the audits frequently result in liquidated damages and restitution recovery for the 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 authorized to administer and enforce the Living Wage Law.

Any State procurement contract over \$100,000 to perform certain “services” for various State agencies is subject to the law. There are two living wage rates established statewide. Work performed in Montgomery, Prince George’s, Howard, Baltimore and Anne Arundel Counties and Baltimore City, is defined as “Tier 1” work and currently carries an hourly wage rate of \$12.49. “Tier 2” rates include wages earned in any county in the State not included in “Tier 1” counties, and an hourly rate of \$9.39 has been established. 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 Activity for 2011	
Service Contracts Received	235
Value of the Service Contracts Received	\$709,004,546
Service Contracts Reviewed	180
Employees Interviewed	191
Active Service Contracts as of December 31	635
Amount of Restitution Recovered	\$62,845
Employees Receiving Restitution	129
Payroll Records Processed	9,890

Safety Inspection

The Safety Inspection program includes several diverse inspections and educational initiatives focused on ensuring the safety of the public when using or exposed to certain equipment. 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, 8 Deputy Boiler Inspectors, with about 30 Special Inspectors that actively conducted inspections during the year, 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 non-State authorized inspection agencies performed approximately 81% 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 monitoring Special Inspectors, monitoring repairs to boilers and pressure vessels, inspecting and registering all new installations, and performing follow-up inspections of violations to insure their correction. Deputy Boiler Inspectors also perform accident and variance investigations and required safety inspections on uninsured boilers and pressure vessels.

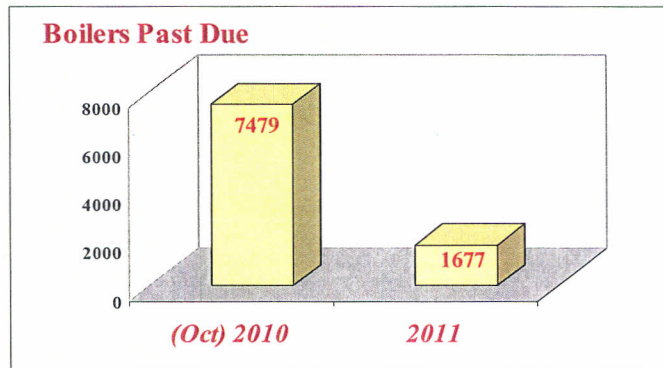
BOILER CODES

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	
(*now NFPA 8502)	January 31, 1991
NFPA 8501	
Single Burner Boiler Operation, 1992 Edition	January 31, 1992

Owners of boiler and pressure vessels are required to contract with an authorized inspection agency to have the required periodic safety inspections performed. State inspectors continue to monitor the inspections performed by Special Inspectors, monitor repairs to boilers and pressure vessels, inspect and register all new boiler and pressure vessel installations, and perform follow-up inspections of violations to insure their correction.

This joint effort between State and authorized inspection agency inspectors has had a positive impact on the decline of overdue units in Maryland.

The number of overdue units declined by over 77% !



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	33,763	6,270	27,493
Units Registered	53,139		
Accidents investigated	0		
Complaints investigated	0		
Total certificates issued	29,314		
New registrations	3,418		

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 also are 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 5,182 such violations opened this year, 1,047 of which were identified by State inspectors and 4,070 violations were closed. Each violation reported and corrected is an accident prevented.

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 is a vital supplement to the national inspection 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. Staff also continues to successfully work with FRA and the National Transportation Safety Board (NTSB) while investigating rail accidents that occur in Maryland.

Railroad Safety and Health 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 several tourist and museum railroad operators that carry passengers, and lend their experience and knowledge to assist the Amusement Rides Safety Program in the inspection of trains and track that are used as amusement rides.

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 with the MARC commuter service, and these rail lines receive enhanced Maryland railroad compliance inspections.

Increased rail traffic throughout Maryland makes adequate railroad safety inspection a vital necessity. The safety and wellbeing 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 a vital additional measure of safety for the citizens of Maryland and the traveling public. Currently the program consists of a Chief Inspector who is also the operating practices inspector, a track inspector and a recently hired motive power and equipment inspector. The increase in inspection activity in the program is reflective of the work performed by the MP&E inspector. There is currently one signal inspector vacancy.

Railroad Safety and Health Inspections	
Motive Power and Equipment	
Cars inspected	1,950
Locomotives inspected	166
Defects reported	765
Violations reported	0
Blue Signal observations	15
Operating Practices	
Railroad operating rules	121
Railroad operating practices	163
Control of alcohol and drug abuse	1
Radio standards and procedures	76
Rear end marking devices	37
Hours of service of railroad employees	15
Defects reported	123
Violations reported	2
Blue flag observations	7
Railroad Accident/Incident Reporting (not including trespassers)	
Fatalities	2
Injuries	2
Property Damage	9
Track	
Track miles inspected	1,680
Turnouts inspected	936
Defects reported	1431
Violations reported	0
Private industry inspections	100

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 participates in investigations which evaluate causation of fatalities, injury and property damages as related to human factor caused events.

Track Safety

A State track inspector monitors the inspections performed by each railroad company operating in Maryland to ensure compliance with federal track safety standards including regulations that provide a safe working environment for track maintenance workers. 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 the private industry employees as well as the community at large.

The Railroad Safety and Health track inspector participates in investigations which evaluate causation of fatalities, injury and property damages as related to track caused events.

Motive Power and Equipment

A motive power and equipment (MP&E) 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 MP&E inspector conducts independent inspections of railroad equipment including new technology equipment such as remote controlled locomotives and high-speed train sets.

The Railroad Safety and Health MP&E inspector participates in investigations which evaluate causation of fatalities, injury and property damages 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 certain amusement rides or attractions may not 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 certain rides or attractions are moved to a new location they must be inspected and a new certificate issued before operation begins.

During the 2011 session, legislation was passed that provided certain exceptions for inflatable amusement attractions. Owners of inflatable amusement attractions must register their attractions each year with the Commissioner of Labor and Industry, provide proof of general liability insurance. Inflatable amusement attractions over four feet are subject to annual inspection.

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	5
Complaints investigated	32
Certificate Inspections	4,714
Other Inspections (Strip-Downs, Preliminary, Assists)	1,234
Total Inspections Performed	5,948
Number of Rides Registered in 2011	3,463

Throughout 2011, the Amusement Ride Safety Inspection Unit responded to over 1,700 inspection requests from 236 different amusement companies. 4,714 inspections were performed where a certificate was issued. Not all inspections result in a certificate being issued (Strip-Downs, Preliminary), and some devices may not have been inspected for various reasons, including mechanical malfunction, weather related cancellations, inaccurate information in the inspection request, or customer failure to register their equipment with the State, which is a requirement under COMAR 09.12.62.

2011 proved to be a challenging year for many amusement companies. There was a hurricane *and* an earthquake, both of which occurred during the peak month of August. Maryland’s Amusement Ride inspectors were on high alert before and following these events. In addition to their regularly scheduled inspections, State inspectors responded by conducting several re-inspections and follow-up visits to multiple sites that took the impact of high winds, rain, and earth tremors. Many of these sites had just been inspected just days before.

A nine-member Amusement Ride Safety Advisory Board appointed by the Governor advises, consults with, and makes recommendations to the Commissioner for the prevention of conditions on amusement rides and attractions that may be detrimental to the public's safety.

The Safety Inspection program makes a concerted effort to increase public awareness by disseminating copies of the law and regulations, and keeping the public informed about availability of the laws and regulations on-line.

ELEVATOR SAFETY INSPECTION

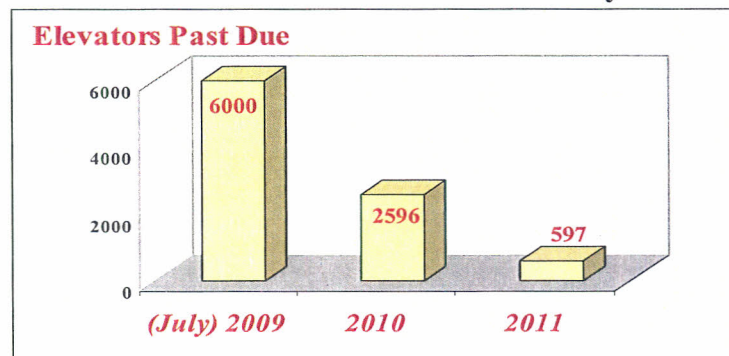
The Commissioner of Labor and Industry is responsible for ensuring that the required safety inspections are performed on all elevators, dumbwaiters, escalators and moving walks operating throughout Maryland, pursuant to *Public Safety Article, Title 12, Subtitle 8 Elevator Safety*. Inspections are conducted by State inspectors and authorized third party inspectors in accordance with the nationally recognized "ASME Code," the *American Society of Mechanical Engineers Safety Code for Elevators and Escalators*.

The Commissioner grants 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.

Owners of elevator units operating in Maryland are required to contract with an authorized third party inspector to perform the required annual safety inspections. An authorized inspector must hold a valid American Society of Mechanical Engineers, Qualified Elevator Inspector certification, maintain general liability insurance and be approved by the Commissioner of Labor and Industry.

Currently there are 87 Third Party Qualified Elevator Inspectors (TPQEI) assisting Maryland owners in keeping their elevators, escalators, and lifts safe. The joint effort between State and TPQEI inspectors has had a positive impact on the number of overdue units in Maryland.

The number of overdue units declined by 90%



The Elevator Safety Inspection unit includes a Chief Elevator Inspector and three regional supervisors who coordinate, train and supervise a staff of 24 field inspector positions statewide, four of which are currently vacant.

State inspectors continue to perform final acceptance inspections on new and altered elevator units, accident and complaint investigations, comprehensive five year inspections, follow-up inspections to confirm corrective action, quality control monitoring of inspections conducted by third party qualified elevator inspectors and annual safety inspections on publicly owned elevator units.

Elevator Safety Inspections		
Accidents investigated		4
Complaints investigated		79
Units sealed out of service		988
• Active/Sealed		268
• Inactive/Sealed		720
Elevators Registered		21,352
Annual Certificates Issued		26,424
	Inspections conducted by State inspectors	12,135
	Inspections conducted by TPQEI inspectors	21,366
Final Inspections (new units)		493
Annual Inspections		21,776
Other Inspections (Tests, Alterations, Re-Inspections)		11,232
	Total Inspections Performed	33,501

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
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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.

APPRENTICESHIP AND TRAINING COUNCIL

The Maryland Apprenticeship and Training Council (MATC) was established to determine the apprentice ability of trades in the State of Maryland. The MATC consists of 12 members who serve for a period of four years and are appointed by the Governor of Maryland with the advice of the Secretary and with the advice and consent of the Senate of Maryland. The appointed members consist of four members of employee organizations, one employee, five employers, and two appointed from the general public. One member is appointed Chairman by the Governor upon the advice of the Secretary. The Assistant State Superintendent, Division of Career and College Readiness, Maryland State Department of Education and the Maryland State Director of the Bureau of Apprenticeship and Training, U.S. Department of Labor, serve as consultants to the MATC and do not vote. The Governor may appoint three additional consultants from the public at large with the advice of the Secretary.

The MATC formulates and adopts standards and policies which safeguard the welfare of apprentices, registers apprenticeship agreements, issues certificates to registered apprentices upon the completion of an apprenticeship, and perform other functions as deemed necessary by the Governor or the Secretary within the scope of the MATC. The MATC prescribes its rules of procedure and duties of the Chairman, Director and Secretary subject to the provisions of the law. The MATC reserves the right to suspend or revoke its approval of a program after notice and hearing if the program has ceased to meet the conditions of approval.

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. 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.

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 11 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.

Electronic 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 Regulation
- Maryland's Living Wage Law
- Maryland's Prevailing Wage Law
- 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
- 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)
- 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 2011 REPORT

Pursuant to the Environment Article, Section 6-702, *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 2011.

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 of excessive safety violations to the Commissioner.

ENFORCEMENT EFFORTS TO ELIMINATE ENVIRONMENTAL TOBACCO SMOKE IN THE WORKPLACE

Consistent with the requirements of Section 5-608(a) of the Labor and Employment Article, *Annotated Code of Maryland*, individuals may not smoke in an indoor place of employment. The Clean Indoor Air Act (CIAA) was signed into law on May 17, 2007. For almost twenty years prior to this date, the Commissioner, through the Maryland Occupational Safety and Health (MOSH) Program, had adopted and enforced a rule that generally prohibited smoking in most indoor places of employment, except in designated tobacco stores, restaurant bar areas, and licensed bars.

Under the CIAA, regulatory authority is vested with the Department of Health and Mental Hygiene (DHMH) for public areas, and DLLR, for workplace areas not generally open to the public. DLLR and DHMH have established operational agreements and work jointly to enforce this law, including sharing of information related to compliance activity. MOSH issues letters of reprimand in an attempt to control the behavior in establishments reported to be in violation. This has been and continues to be successful as indicated by only having one repeat offender. In that one case in FY 2011, a monetary penalty was applied, and the employer moved to control the work conduct and institute a process to ensure future compliance. The table below reflects the reprimand activity that has been shared with, and reported by DHMH.

FY - Reporting Period	Reprimands Issued
2008	8
2009	17
2010	32
2011	40