

Division of Labor and Industry Annual Report 2023

Labor and Employment Article, Section 2-108
Labor and Employment Article, Section 3-920
Labor and Employment Article, Section 5-205(i)(3)
Labor and Employment Article, Section 5-308.1(b)
State Finance and Procurement Article, Section 17-204(b)
Economic Development Article, Section 14-102
SB 909 Chapter 188, Section 3, 2009

Division of Labor & Industry
Maryland Department of Labor

January 2, 2025

November 18, 2024

The Honorable Wes Moore
Governor
State House
100 State Circle
Annapolis, Maryland 21401

The Honorable Aruna Miller
Lieutenant Governor
State House
100 State Circle
Annapolis, Maryland 21401

The Honorable Bill Ferguson
President
Senate of Maryland
State House, H-107
Annapolis, Maryland 21401

The Honorable Adrienne Jones
Speaker
Maryland House of Delegates
State House, H-107
Annapolis, Maryland 21401

Re: Commissioner of Labor and Industry Annual Report 2023 (MSAR#861, 1937, 2350, 7583, 9829, 10416, 11925 and 15614)

Dear Governor Moore, Lieutenant Governor Miller, President Ferguson, and Speaker Jones:

Pursuant to Maryland Annotated Code, Labor and Employment Article § 2-108, et seq., requires the Commissioner of Labor and Industry to annually submit a report after January 1. The 2023 report includes information on the operations of the office of the Commissioner, an overview of new laws passed in 2023, and the operations of the units of Labor and Industry. Additional required reporting can also be found including: MSAR#861, MSAR#1937, MSAR#2350, MSAR#7583, MSAR#9829, MSAR#10416, and MSAR#11925.

For additional information regarding the report, please contact Andrew Fulginiti, Director of Legislative and Regulatory Affairs, at andrew.fulginiti@maryland.gov or (410) 230 - 6009.

Sincerely,



Devki K. Virk
Commissioner of Labor and Industry

Introduction

The Maryland Division of Labor and Industry is a unit of the Maryland Department of Labor, 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
- Boiler and Pressure Vessel Safety Act and Regulations
- Day of Rest – Retail and Wholesale Establishments
- Deployment Leave
- Disclosing Sexual Harassment in the Workplace Act
- Elevators, Dumbwaiters, Escalators and Moving Walks Law and Regulations
- Employment of Minors Law
- Essential Workers' Protection Act
- Equal Pay for Equal Work Law
- Farm Labor Contractor Law and Regulations
- Flexible Leave Act
- Healthy Retail Employee Law
- Healthy Working Families Act
- High Voltage Line Law
- Hiring and Promotion Preferences – Veterans of Commissioned Corps
- Industrialized Buildings and Manufactured Homes
- Interpreters
- Job Applicant Fairness Law
- Jury Service
- Lie Detector Test Law
- Living Wage Law and Regulations
- Maryland Accessibility Code
- Maryland Building Performance Standards
- Maryland Building Rehabilitation Code
- Maryland Essential Workers' Protection Act
- Mediation or Arbitration of Labor Disputes Law and Regulations
- Minimum Livability Code
- Minimum Wage for Disabled
- Medical Questions Law
- Non Compete and Conflict of Interest Clauses
- Organ Donation
- Model Performance Code for Building Construction
- Occupational Safety and Health Act and Regulations
- Parental Leave – Birth of Adoption of a Child
- Prevailing Wage - Contracts for Public Works Law and Regulations
- Railroad Safety and Health Law and Regulations
- Safety Glazing
- Secure Maryland Wage Act

- Smoking on Public Elevators Law and Regulations
- Tipped Employees – Payments or Deductions from Wages Prohibition
- Use of Facial Recognition Services Prohibited
- Username and Password Privacy Protection and Exclusions
- Volunteer Activities
- Wage and Hour Law and Regulations
- Wage Payment and Collection Law
- Wholesale Sales Representatives
- Workplace Fraud Law

This report is divided into chapters according to the primary units of the agency (as of December 31, 2023). 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 2023, 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	1937 – 1938
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 – 2014
Thomas J. Meighen, Commissioner	2015 – 2017
Matthew S. Helminiak, Commissioner	2017 – May 2023
Devki K. Virk, Commissioner	May 2023-present

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 interests 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.”

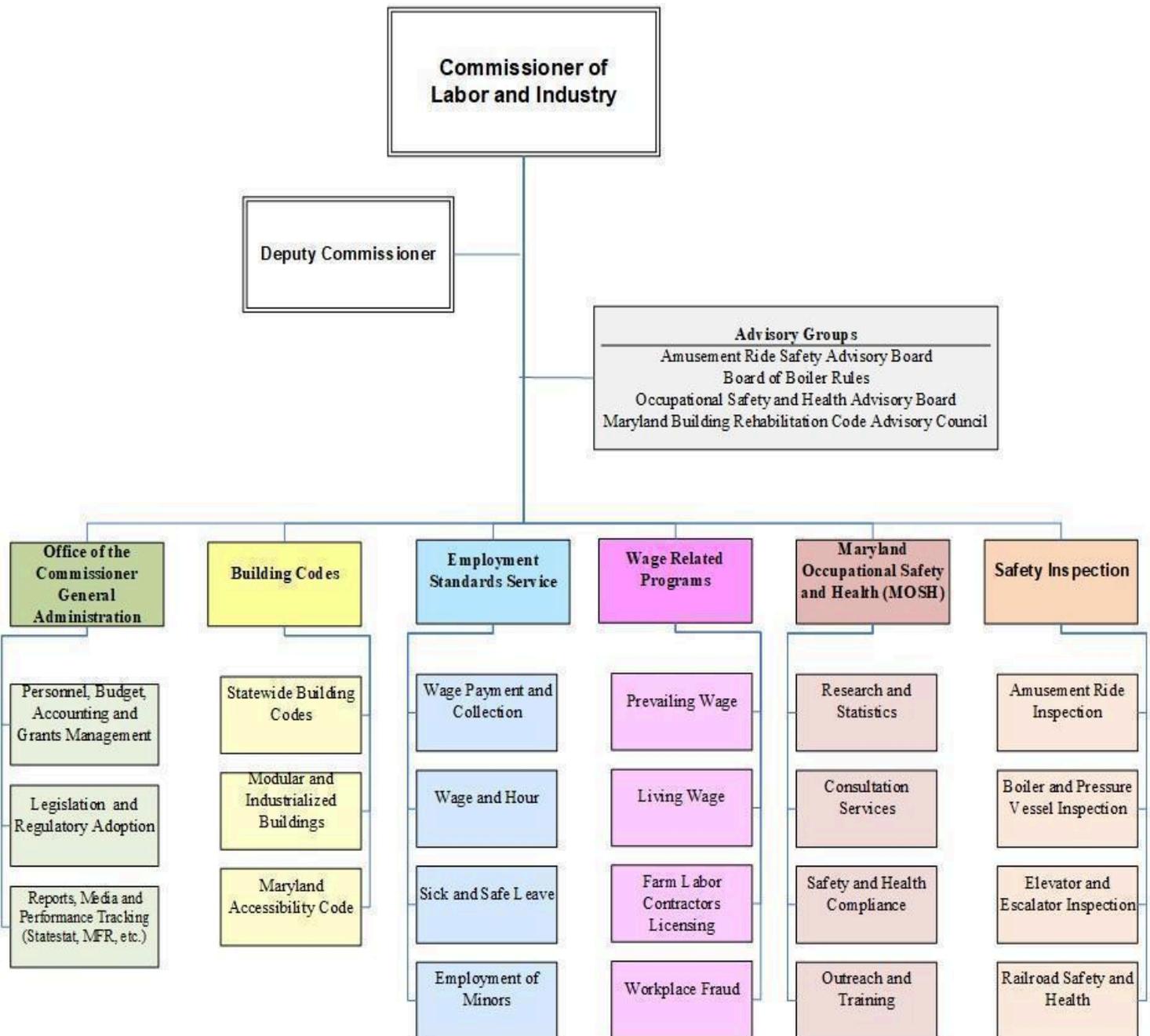
The Bureau of Industrial Statistics and Information was abolished in 1916, and the State Board of Labor and Statistics was created, operating under the direction of three commissioners.

The three main tasks of the new Board were the collection of statistics on labor, agriculture, mineral products, transportation, and commerce; the 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, until 2019 known as the Department of Labor, Licensing, and Regulation. In 2019, the department’s name was changed to simply “Department of Labor.”

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 and the safety of citizens. The Commissioner, through such diverse activities as program planning, coordination, and evaluation, legislation and regulation coordination, financial management, 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 organized labor 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 respond to public inquiries and complaints and resolve those issues that cannot be resolved satisfactorily at the program level. Issues vary from the interpretation of law, regulation, and policy for which the Division has jurisdiction, to the resolution of technical issues related to the safe operation of equipment, and occupational safety and health issues that 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 needed to support Board hearings for the adoption of new national codes and standards, variance requests, and the analysis of trends and data to provide alternatives and support for board positions.

Representatives of the Division, including the Commissioner, routinely meet with Maryland businesses, labor, and civic leaders, and participate in educational seminars to provide guidance, consultation, and leadership. 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), and the National Board of Boiler and Pressure Vessel Inspectors.

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

LEGISLATION IN 2023

There were several bills introduced and passed during the 2023 session of the General Assembly that directly affected the Division of Labor and Industry.

Prevailing Wage–Investor Owned Utilities - Chapter 336 (HB 513) This bill amended a provision in the Public Utilities Article that requires the payment of prevailing wage rates for certain investor-owned underground utility projects. The bill added a provision that enforcement of the prevailing wage requirement for investor-owned underground utility projects is through the Commissioner of Labor and Industry in accordance with the Maryland Wage Payment and Collection Act.

Labor and Employment–Non Compete and Conflict of Interest Provisions- Chapter 266 (SB 591) Section 3-716 of the Labor and Employment Article provides that certain non-compete or conflict of interest provisions in employment contracts are void as against public policy. This bill amended the threshold to cover any employment contract concerning an employee who earns equal to or less than 150% of the State minimum wage.

Elevator Safety - Privately Owned Single-Family Residential Elevators - Chapter 293 (Senate Bill 198) This bill expands the registration and final inspection requirements for elevators to include newly installed in privately owned single-family residences. Owners of elevators in privately owned single-family residences are not required to re-register following the initial certification.

Employment of Minors- Opportunities for Work - Chapter 334 (Senate Bill 172) This bill provides that if a parent or guardian of a minor elects, the Commissioner of Labor and Industry will release the name, home address and telephone number of a minor who is at least 16 years and has a work permit to employers and apprenticeship sponsors, educational programs and institutions and certain local workforce development boards.

Minimum Wage - Fair Wage Act - Chapter 2 (Senate Bill 555) This bill accelerates the increase in the minimum wage for all employers to \$15.00 per hour beginning January 1, 2024. The bill repeals the authority of the Board of Public Works to temporarily suspend an increase in the minimum wage rate. Finally, the bill repeals certain provider rate increases.

MEDIATION AND CONCILIATION

Pursuant to Labor and Employment Article, Section 2-107(c), *Annotated Code of Maryland*, there is a State Mediation and Conciliation Service. Upon request for services, the Commissioner may charge a fee to cover the cost of providing those services. In 2022, there were no requests for services.

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 2023, the Division of Labor and Industry received no requests for the brochure “Employee Stock Ownership Plan,” which was developed in response to the Act. The Division continues to promote employee stock ownership by putting the brochure on its website.

COMMITTEE PARTICIPATION

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

American Board of Industrial Hygiene
American National Safety Institute (ANSI)
ANSI A10. Construction and Demolition Sub-Groups
 A10.2 Safety, Health, and Environmental Training
 A10.9 Concrete & Masonry Construction
 A10.38 Basic Elements of a Program to Provide a Safe and Healthful Work Environment
 A10.47 Highway Construction Safety
American Society of Safety Engineers (ASSE)
American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE)
Board of Certified Safety Professionals
Chesapeake Regional Safety Council
Controlled Hazardous Substances Advisory Council
Delmarva Safety Association
International Code Council (ICC) Sustainability Membership Council
Interstate Labor Standards Association (ILSA)
Leadership Maryland
Manufactured Housing Consensus Committee (MHCC)
Maryland Building Officials Association (MBOA)
Maryland Explosives Advisory Committee of the Fire Marshal's Office
Maryland Green Building Council
Maryland Rehabilitation Advisory Council
Maryland State Bar Association - Labor & Employment Section
National Association of Elevator Safety Authorities
National Association of Government Labor Officials (NAGLO)
National Board of Boiler and Pressure Vessel Inspectors
National Fire Protection Association (NFPA)
National Transportation Safety Board (NTSB)
Occupational Safety and Health State Plan Association (OSHSPA)
Occupational Safety and Health Consultation (OSHCON)
Public Employees Safety Association of Maryland (PESA)
Public Risk Management Association (PRIMA)
State Employees Risk Management Administration (SERMA)
Voluntary Protection Program Participants' Association (VPPPA)

Building Codes Administration

The Building Codes Administration (BCA) within the Department of Labor oversees code administration in the State. The Model Performance Building Code was first adopted in 1971. Based on the National Building Code of the Building Officials and Code Administrators International, Inc. (BOCA), the State's Model Performance Building Code was intended by the General Assembly eventually to be adopted statewide so builders might adapt their construction practices to a single set of modern, performance-oriented standards. Compliance with that code at that time was voluntary. In 1993, mandatory standards, i.e, the Maryland Building Performance Standards, were enacted by the General Assembly. These standards were based on the most recent edition of the National Building Code issued by BOCA. They apply to all construction permits issued on or after August 1, 1995, with two exceptions. Counties or municipalities lacking any building code had to comply by 1997; those that adopted the Standard Building Code of the Southern Building Code Congress, Inc., had to comply by 1999.

In October 2001, the International Building Code (IBC), developed and published by the International Code Council (ICC), replaced the BOCA code in the Model Performance Code and Maryland Building Performance Standards. Since then, IBC has been updated on a three-year cycle, and the first printings of the latest editions of IBC were adopted into regulation within 18 months of their publication.

To meet local needs, local jurisdictions may amend the Maryland Building Performance Standards with a few limitations.

MODEL PERFORMANCE CODE FOR BUILDING CONSTRUCTION

The Model Performance Code (MPC) applies to industrialized (modular) and state-owned buildings. The MPC references the following codes: 2021 International Building Code (IBC), 2021 International Plumbing Code (IPC), 2020 National Electrical Code (NEC), 2021 International Residential Code (IRC), 2021 International Mechanical Code (IMC), 2021 International Energy Conservation Code (IECC), and 2012 International Green Construction Code (IgCC).

The BCA is responsible for the adoption of these individual codes on a three-year cycle, and for interpretation of codes when requested by citizens, design professionals, and local jurisdictions.

MARYLAND ACCESSIBILITY CODE

The Department establishes minimum requirements that will provide for the accessibility and usability of buildings and facilities by individuals with disabilities. The Code references existing federal accessibility standards and includes additional Maryland requirements.

The BCA is responsible for the administration of this code, which includes accepting and processing waiver requests, interpretation of the Maryland portion of the code for citizens, design professionals, and local jurisdictions

MINIMUM LIVABILITY CODE

The Code was created to protect the public's health, safety, and welfare in residential structures and premises. The Code references the 2012 International Property Maintenance Code (IPMC)

INDUSTRIALIZED BUILDINGS AND MANUFACTURED HOMES

The BCA is responsible for the administration of the Industrialized Building Program, which is a state-wide program requiring the Department's approval before the construction of all industrialized buildings to be installed in Maryland. Tasks include the processing of new/renewal applications of both manufacturers and Approved Testing Facilities; the processing of Maryland Insignia applications; reviewing building plans of proposed modular buildings and issuing approvals as required; conducting plant inspections; responding to home owners' complaints; and coordinating with local authorities having jurisdiction on all modular building-related issues.

Under a separate contract with the U.S. Department of Housing and Urban Development (HUD), the BCA works with HUD's Office of Manufactured Housing Program and serves as the State Administrative Agency (SAA) for the State of Maryland. The current scope of the contract is limited to processing homeowner complaints.

SAFETY GLAZING

This law provides for determinations by the Secretary of Labor as to three subjects: further requirements for standards of safety glazing material, additional glazed elements to be designated "hazardous locations," and exceptions of certain panels from the definition of "hazardous locations".

MARYLAND BUILDING PERFORMANCE STANDARDS

The Maryland Building Performance Standards (MBPS) were created to provide reasonable protection to the public against hazards to life, health, and property related to building construction. These statewide minimum codes are then implemented by the various local jurisdictions, which may make certain amendments and are responsible for enforcement of the code requirements.

MBPS incorporates, through reference, the following codes with amendments: 2021 International Building Code (IBC), 2021 International Residential Code (IRC), and 2021 International Energy Conservation Code (IECC)).

The BCA is responsible for the adoption of these individual codes on a three-year cycle, maintaining an online database of locally amended and adopted codes, providing code training to employees of local authorities having jurisdiction, and assisting in the interpretation of codes when requested by citizens, design professionals, and local jurisdictions.

INTERNATIONAL GREEN CONSTRUCTION CODE

The International Green Construction Code (IgCC) provides minimum requirements intended to reduce the negative impacts of the built environment on the natural environment and building occupants. The BCA is responsible for the adoption of the IgCC on a three-year cycle. Local jurisdictions may adopt and make local amendments to the IgCC.

MARYLAND BUILDING REHABILITATION CODE

The Maryland Building Rehabilitation Code (MBRC) was created to encourage the continued use or reuse of existing buildings and structures. MBRC applies to all rehabilitation projects for which a construction permit application is received by local jurisdictions, the Maryland-National Capital Park and Planning Commission, or the Washington Suburban Sanitary Commission. The MBRC incorporates by reference the 2021 International Existing Building Code (IEBC). The BCA is responsible for the adoption of the IEBC on a three-year cycle, and for the interpretation of the code when requested by citizens, design professionals, and local jurisdictions.

MARYLAND SWIMMING POOL AND SPA STANDARDS

The Maryland Swimming Pool and Spa Standards was created to adopt the International Swimming Pool and Spa Code. The Standards apply to all new and altered or repaired pools for which a construction permit application is received by local jurisdictions on or after December

31, 2023. The Standards incorporate by reference the 2021 International Swimming Pool and Spa Code (ISPSC). The BCA is responsible for the adoption of the ISPSC on a three-year cycle, and for the interpretation of the code when requested by citizens, design professionals, and local jurisdictions

BCA FINAL ENERGY REPORT

The Climate Solutions Now Act (CSNA) of 2022 tasked the BCA with providing a report to the Public Service Commission and Legislative Policy Committee in response to seven items in the CSNA. That report can be found [here](#).

2023 Metrics

(reporting period: January 1, 2023 through December 31, 2023)

- Maryland Accessibility Code waiver request received/processed: 2/1
- Maryland Accessibility Code interpretation requests/inquiries received: 4
- Code training, number of attendees: 0, 0
- Technical inquiries (number of written requests received): 256

Industrialized Building Program

- Active manufacturers/plants: 94/104
- Active Approved Testing Facilities: 9
- Renewal Fees received: \$48,000
- Maryland Insignia Fees received: \$347,820
- Funds received from U.S. HUD: \$13,824
- Number of sets of building plans received/reviewed: 744 (includes multiple reviews on plans that had deviations)
- Number of Plan Approval issued: 465
- Number of Plant Inspections conducted: 2

Wage and Labor Standards Enforcement Units

The Division of Labor and Industry administers a wide range of laws related to the wages workers earn and a variety of employment laws. In total, there are over 30 separate statutes currently under the purview of the Commissioner. These laws are divided up into two main units:

Employment Standards Service (ESS) & Wage and Hour

Administers a multitude of industry-specific labor laws as well as Statewide wage-related laws including, but not limited to Minimum Wage, Overtime, Maryland Healthy Working Families Act (Sick and Safe Leave), Employment of Minors, and payment of wages.

Prevailing Wage, Living Wage & Worker Classification

Administers laws related to wage rates that must be paid on certain state and local public works projects and service contracts, as well as the proper classification of construction and landscape workers. This unit also licenses farm labor contractors.

Employment Standards

Created in 1965 to enforce Maryland's Minimum Wage Law, the Employment Standards Service has been traditionally responsible for administering 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
Minimum Wage for the Disabled	Title 3, §4-414
Wage Payment and Collection	Title 3, Subtitle 5
Medical Questions	Title 3, § 3-701
Lie Detector Tests	Title 3, § 3-702
Volunteer Activities	Title 3, § 3-703
Day of Rest	Title 3, § 3-704
Pension Plans	Title 3, § 3-705
Interpreters	Title 3, § 3-707
Active Service in the Armed Forces of the United States – Renewal of Licenses; Credit or Apprenticeship	Title 3, § 3-708
Jury Service	Title 3, § 3-709
Healthy Retail Employee Act	Title 3, § 3-710
Job Applicant Fairness Act	Title 3, § 3-711
Username and Password Privacy Protection Act	Title 3, § 3-712
Payments or Deduction from Wages - Tipped Employees	Title 3, § 3-713
Hiring and Promotion Preferences - Veterans of Commissioned Corps	Title 3, § 3-714
Disclosing Sexual Harassment in the Non Compete and Conflict of Interest Clauses	Title 3, § 3-715
Workplace Act of 2018	Title 3, § 3-716
Use of Facial Recognition Services – Prohibited	Title 3, § 3-717
Adoption Leave	Title 3, § 3-801
Flexible Leave Act	Title 3, § 3-802
Deployment Leave	Title 3, § 3-803
Workplace Fraud Act	Title 3, Subtitle 9
Civil Air Patrol	Title 3, § 3-1001
Lien for Unpaid Wages	Title 3, Subtitle 11
Parental Leave Act	Title 3, Subtitle 12
Healthy Working Families Act	Title 3, Subtitle 13
Organ Donation Leave	Title 3, Subtitle 14
Criminal Record Screening (Ban the Box)	Title 3, Subtitle 15
Secure Maryland Wage Act	Title 3, Subtitle 16
Maryland Essential Worker's Protection Act	Title 3, Subtitle 17
Farm Labor Contractors	Title 7
<i>Business Regulation Article</i>	
Employment Agencies	Title 9

Wage Payment and Collection

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

Wage Payment and Collection/Wage and Hour Activity for: January 1, 2023 through December 31, 2023	
Complete wage claim forms received	715
Investigations completed	579
Claims for which wages were recovered	375
Total wages collected	\$785,436

The Commissioner issues administrative orders to pay wages where it is determined that the wage payment and collection law has been violated. An employer may appeal the administrative order, but if no appeal is filed, the Commissioner may proceed with collection. Administrative orders are an effective tool to the wage payment and collection processes.

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 1 1/2 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.

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 §3-205, an employer must have a valid work permit.

**Employment of Minors Activity for:
January 1, 2023 through December 31, 2023**

Work permits issued	73,502
Employment of Minor Complaints Received and Resolved	18
Special Work Permits Issued	189

The application process was modified and is now available on-line through the Labor website at <http://www.labor.maryland.gov/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. To ensure compliance, the Division responds to complaints. Upon investigation, the Division of Labor and Industry notifies employers of apparent violations and seeks compliance with the requirements. However, although complaints were received and violations identified, the current statute only provides for criminal prosecution of violators, and therefore its 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 experience, he or she does not suffer damage to educational enrichment.

EQUAL PAY FOR EQUAL WORK

Pursuant to Labor and Employment Article, Title 3, Subtitle 3, *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. This law prohibits an employer from providing less favorable employment opportunities and from discriminating between employees in any occupation by paying a wage to employees of one sex or gender identity 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. This law also provides that an employer may not prohibit an employee from inquiring about, discussing, or disclosing the wage of the employee or another employee, or requesting that the employer provide a reason for why the employee's wages are a condition of employment; and prohibits an employer from taking any adverse employment action against an employee for inquiring about the employee's own wages. Additionally, this law requires an employer to provide, at the request of an applicant for employment, the wage range for the position for which the applicant applied. It also prohibits an employer from seeking wage history information for an applicant, from screening or considering an applicant for employment, or from determining an applicant's wages based on the applicant's wage history. Under the law, the applicant is not prohibited from voluntarily sharing wage history information with an employer. An employer is prohibited from retaliating against or refusing to interview, hire, or

employ an applicant because the applicant did not provide a wage history or requested a wage range. There are civil penalties for employers with multiple violations of this provision.

WHOLESALE REPRESENTATIVES

Section 3-604 of the Labor and Employment Article, *Annotated Code of Maryland*, requires each principal to pay to a sales representative all commissions that are due under a contract that is terminated within 45 days after payment would have been due if the contract had not terminated.

MEDICAL QUESTIONS

Section 3-701 of the Labor and Employment Article, *Annotated Code of Maryland*, prohibits an employer from requiring an applicant for employment to answer an oral or written question that relates to a physical, psychiatric, or psychological disability, illness, handicap, or treatment unless the disability, illness, handicap, or treatment has a direct, material, and timely relationship to the capacity or fitness of the applicant to perform the job properly.

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 national security interests.

VOLUNTEER ACTIVITIES

Section 3-703 of the Labor and Employment Article, *Annotated Code of Maryland*, prohibits an employer from discharging an employee for participation in an activity of a civil air patrol, civil defense, volunteer fire department, or volunteer rescue squad if the activity is in response to an emergency that the Governor declares on the request of the governing body of a county or municipal corporation; and the employee submits written proof that the participation of the employee was required.

DAY OF REST – RETAIL AND WHOLESALE ESTABLISHMENTS

Section 3-704 of the Labor and Employment Article, *Annotated Code of Maryland*, permits an employee in a retail establishment may choose, as a day of rest, Sunday or the Sabbath of the employee unless, outside Wicomico County, the employee is a managerial employee, professional employee, or part-time employee; and in Wicomico County, the employee is a managerial employee or professional employee.

An employee who chooses a day of rest shall give written notice to the employer and during employment, may change the day of rest by giving written notice of the change to the employer at least 30 days before its effective date.

PENSION PLANS

Section 3-705 of the Labor and Employment Article, *Annotated Code of Maryland*, a pension plan may not reduce a payment to an individual entitled to receive the payment because Social Security payments to that individual increase.

INTERPRETERS

Section 3-707 of the Labor and Employment Article, *Annotated Code of Maryland*, a deaf employee may request an interpreter for proceedings before an administrative or executive board or any similar body provided by an employer, employee organization, or union to hear employee grievances. The request must be in writing and submitted at least 5 days before the proceeding begins. The employer, employee organization, or union shall notify the deaf employee in writing of the right granted by this section as soon as it is possible or at least 8 days before the hearing begins. If an interpreter is the employer, the employee organization, or union shall request the Department of Disabilities to assist in locating a qualified interpreter to assist at the hearing. The Department of Disabilities shall promptly assist in locating an interpreter. The interpreter shall facilitate communication between the affected parties, subject to the code of ethics of the National Registry of Interpreters for the Deaf. The cost of the interpreter's services shall be divided equally between the employer and the union or employee organization.

JURY SERVICE

Section 3-709 of the Labor and Employment Article, *Annotated Code of Maryland*, An employee has the duties and rights set forth, with respect to jury service in a circuit court of this State, in Title 8 of the Courts Article; and with respect to jury service in a federal court, in 28 U.S.C. § 1861 et seq.

HEALTHY RETAIL EMPLOYEE ACT

Section 3-710 of the Labor and Employment Article, *Annotated Code of Maryland* applies to Maryland employers who operate “retail establishments” and requires that these employers 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

Section 3-711 of the Labor and Employment Article, *Annotated Code of Maryland*, prohibits employers in Maryland from using a job applicant's 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.

USERNAME AND PASSWORD PRIVACY PROTECTION ACT

Section 3-712 of the Labor and Employment Article, *Annotated Code of Maryland*, prohibits Maryland employers from requesting or requiring that an employee, or an applicant for employment provide access to personal social media accounts. The Act forbids employers from asking for any username, password, or other means to access a personal account or service through an electronic communications device, including computers, telephones, and personal digital assistants. The Act forbids employers from discharging, disciplining, penalizing, or threatening to do any of the foregoing for an employee’s refusal to disclose any such information. However, the Act does not restrict employers from searching social media accounts and viewing publicly available information about an employee or an applicant.

PAYMENTS OR DEDUCTION FROM WAGES TIPPED EMPLOYEES

Section 3-713 of the Labor and Employment Article, *Annotated Code of Maryland*, prohibits an employer from requiring a tipped employee to reimburse an employer or pay an employer for a customer’s charge for food or beverage if the customer leaves the employer’s place of business without paying for the charges. In addition, unless otherwise provided by law, an employer is prohibited from making a deduction from an employee’s wages to cover the cost of a customer’s charge for food or beverage if the customer leaves the employer’s place of business without paying the charge for food or beverage.

HIRING AND PROMOTION PREFERENCES – VETERANS OF COMMISSIONED CORPS

Section 3-714 of the Labor and Employment Article, *Annotated Code of Maryland*, authorizes an employer to grant a hiring and promotion preference to an eligible veteran, the spouse of an eligible veteran who has a service-connected disability, or the surviving spouse of a deceased eligible veteran. An eligible veteran is a veteran of any branch of the U.S. Armed Forces who has received an honorable discharge or a certificate of satisfactory completion of military service, including the National Guard and the military reserves. The bill establishes that granting this preference does not violate any State or local Equal Employment Opportunity law.

DISCLOSING SEXUAL HARASSMENT IN THE WORKPLACE

Section 3-715 of the Labor and Employment Article, *Annotated Code of Maryland*, provides a provision in an employment contract, policy, or agreement that waives any substantive or procedural right or remedy to a claim that accrues in the future of sexual harassment or retaliation for reporting or asserting a right or remedy based on sexual harassment is null and void as being against the public policy of the State. This bill took effect on October 1, 2018.

NON COMPETE AND CONFLICT OF INTEREST CLAUSES

Section 3-716 of the Labor and Employment Article, *Annotated Code of Maryland*, establishes that a noncompete or conflict of interest provision in an employment contract or similar document or agreement that restricts the ability of an employee who earns \$15 per hour or less or \$31,200 or less annually to enter employment with a new employer or become self-employed in the same or similar business or trade is null and void. The Act applies regardless of whether the employer and employee entered into the employment contract or similar document or agreement in the State. This Act does not contain enforcement provisions.

USE OF FACIAL RECOGNITION SERVICES PROHIBITED

Section 3-717 of the Labor and Employment Article, *Annotated Code of Maryland*, prohibits an employer from using certain facial recognition services during an applicant's interview for employment unless the applicant consents by signing a waiver. It defines "facial recognition service" as "technology that analyzes facial features and is used for recognition or persistent tracking of individuals in still or video images." It also provides specific requirements for the waiver

ADOPTION LEAVE

Section 3-801 of the Labor and Employment Article, *Annotated Code of Maryland*, requires that an employer who provides leave with pay to an employee following the birth of the employee's child shall provide the same leave with pay to an employee when a child is placed with the employee for adoption.

FLEXIBLE LEAVE ACT

Section 3-802 et. seq. of the Labor and Employment Article, *Annotated Code of Maryland*, 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. Leave with pay is considered time away from work for which an employee is paid and includes sick leave, vacation time, and compensatory time. This law also requires an employer to allow an employee to use earned paid leave for bereavement leave. An employee is also allowed to use bereavement leave for the death of the employee's immediate family member, including an adult child of the employee. 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).

DEPLOYMENT LEAVE

Section 3-803 of the Labor and Employment Article, *Annotated Code of Maryland*, authorizes specified employees to take leave from work on the day that an immediate family member is leaving for, or returning from, active duty outside the United States as a member of the armed forces of the United States; prohibits an employer from requiring an employee to use compensatory, sick, or vacation leave when taking leave under the Act; authorizes an employer to require an employee who takes leave under the Act to submit specified proof to the employer; etc.

CIVIL AIR PATROL

Section 3, Subtitle 10 of the Labor and Employment Article, *Annotated Code of Maryland*, prohibits an employer from discriminating against or releasing from employment an employee who has been employed for a minimum of 90 days and is a member of the Civil Air Patrol because of membership in the Civil Air Patrol. An employer may not hinder or prevent an employee who has been employed for a minimum of 90 days from performing service as part

of the Maryland Wing of the Civil Air Patrol during an emergency mission if the member is entitled to leave under this subtitle.

LIEN FOR UNPAID WAGES

Section 3, Subtitle 11 of the Labor and Employment Article, *Annotated Code of Maryland*, requires an employee to provide specified written notice to a specified employer first in order to establish a lien for unpaid wages; authorizing a specified employer to dispute a lien for unpaid wages by filing a specified complaint in a specified circuit court in a specified manner; authorizes a party to request an evidentiary hearing; requiring a circuit court to make a determination on a claim to establish a lien for unpaid wages in a specified manner; authorizing a circuit court to take specified actions; etc.

PARENTAL LEAVE ACT

Section 3, Subtitle 12 of the Labor and Employment Article, *Annotated Code of Maryland*, an eligible employee is entitled to a total of 6 workweeks of unpaid parental leave during any 12-month period for the birth of a child of the employee: or the placement of a child with the employee for adoption or foster care.

HEALTHY WORKING FAMILIES ACT

Section 3, Subtitle 13 of the Labor and Employment Article, *Annotated Code of Maryland*, requires all employers with employees whose primary work location is in Maryland to provide earned sick and safe leave, regardless of where the employer is located. Employers who employ 15 or more employees are required to provide paid, earned safe, and sick leave. Employers with 14 or fewer employees are required to provide unpaid earned sick and safe leave. Certain employees are exempt from the requirements of the law. All employees whose primary work location is in Maryland are entitled to accrue sick and safe leave unless they are exempt from coverage under the law. Leave accrues at the rate of one hour for every thirty hours that an employee works. An employee is not entitled to accrue sick and safe leave during (1) a 2 week pay period in which the employee worked fewer than 24 total hours; (2) a 1 week pay period if the employee worked fewer than a combined total of 24 hours in the current and immediately preceding pay period; or (3) a pay period in which the employee is paid twice per month and worked fewer than 26 hours in the pay period. The leave hours provided for under the law are the minimum number of hours an employee is entitled to earn and accrue. An employer may provide more leave for its employees. The Act preempts local paid sick and safe leave laws enacted on or after January 1, 2017. Only Montgomery County enacted a sick and safe leave law prior to January 1, 2017. In September 2023 the unit launched it's online portal.

ORGAN DONATION

Section 3, Subtitle 14 of the Labor and Employment Article, *Annotated Code of Maryland*, provides that an employer who employs at least 15 people in Maryland would need to provide organ donation leave to eligible employees, defined as individuals who have requested that an employer provide organ donation leave and who, as of the date of the request, will have been employed by their employer for at least 12 months and worked for at least 1,250 hours during the previous 12 months. The leave would allow an eligible employee to take off up to 60 business days in any 12-month period to serve as an organ donor and up to 30 business days in any 12-month period to serve as a bone marrow donor. The leave is unpaid. According to the provisions of the Act, to receive the leave, the employee would need to provide written physician verification that the employee is an organ or bone marrow donor and that the donation is medically necessary. The leave may not be taken concurrently with any leave taken under the Federal Family and Medical Leave Act.

CRIMINAL HISTORY SCREENING (BAN THE BOX)

Section 3, Subtitle 15 of the Labor and Employment Article, *Annotated Code of Maryland*, prohibits employers with 15 or more full-time employees from, directly or otherwise, requiring an applicant for employment to disclose whether the applicant has a criminal record or has had criminal accusations brought against the applicant, or conduct a criminal history records check. This Act includes an “employer,” a person who acts directly or indirectly in the interest of an employer. This Act does not expressly provide that state or local government, or municipalities are included in the definition of employer; therefore, the provisions of this Act will not apply to government units or their employees. This Act allows an employer to require an applicant to disclose during the first in-person interview with the applicant whether the applicant has a criminal record or has had criminal accusations brought against the applicant. This Act does not prohibit an employer from making an inquiry or taking other actions that the employer is required to take or is expressly authorized to take by another applicable federal, state, or local law. This Act does not apply to an employer that provides programs, services, or direct care to minors or vulnerable adults.

The Act authorizes the Commissioner of Labor and Industry, through the Employment Standards Service (ESS) Unit, to investigate upon receipt of a written complaint from an applicant or employee. If the Commissioner determines that a provision of this subtitle has been violated, the Commissioner may try to resolve the matter informally by mediation or ask the Attorney General to bring action on behalf of the applicant or employee. The Attorney General, without a referral from the Commissioner, may independently bring an action under the section for injunctive relief, damages, or other relief in the county where the violation allegedly occurred.

The Act provides for anti-retaliation and anti-discrimination provisions for applicants or employees who have claimed a violation of this Subtitle.

An employer found guilty of violating any provision of the Act will be guilty of a misdemeanor and, on conviction, be subject to a fine not exceeding \$500, imprisonment up to 90 days, or both, for each violation.

SECURE MARYLAND WAGE ACT

Section 3, Subtitle 16 of the Labor and Employment Article, *Annotated Code of Maryland*, requires an employer to pay specified wages and benefits to a covered employee. A “covered employee” is a nonexempt employee under the federal Fair Labor Standards Act (FLSA) who performs work at a “heightened security interest location,” which is defined as Baltimore-Washington International Thurgood Marshall Airport (BWI Marshall Airport) or Pennsylvania Station in Baltimore (Penn Station), subject to specified exceptions.

MARYLAND ESSENTIAL WORKER’S PROTECTION ACT

Section 3, Subtitle 17 of the Labor and Employment Article, *Annotated Code of Maryland*, establishes benefits and protections for essential workers during a catastrophic health emergency, and related responsibilities for each employer of an essential worker. The law requires (1) the Maryland Department of Labor (MDL) to enforce the law and adopt a specified emergency temporary standard to address the COVID-19 pandemic, and (2) the Maryland Department of Health (MDH) to adopt a template health emergency preparedness plan. The law applies prospectively and may not be applied or interpreted to require an essential employer to pay an essential worker for leave taken before the effective date of the law. The law’s requirements related to an emergency temporary standard and the adoption of a template health emergency preparedness plan terminate six months from the date the COVID-19 state of emergency ends.

Wage Programs

PREVAILING WAGE - 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 Law regulates the hours of labor, rates of pay, conditions of employment, obligations of employers, and duties of certain public officials under contracts and subcontracts for public works in Maryland. The Prevailing Wage Law applies to a construction project valued at \$250,000 or more if either of the following criteria are met: (1) the contracting public body is a unit of State government or an instrumentality of the State, and there is any State funding for the project; or (2) the contracting public body is a political subdivision, agency, person, or entity (such as a county), and the State funds 25% or more of the project.

The Prevailing Wage Unit conducts a continuing program to gather current relevant wage data. The 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 2023, 3,498 covered projects were under construction.

Prevailing Wage Activity for 2023

Payrolls received	159,673
Audits performed	164,581
Determinations issued	585
Wages recovered for employees	\$333,505.31
Liquidated damages collected for violations	\$401,664.68

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. Restitution from these investigations is recovered for all employees that have been underpaid and do not require a worker to file a complaint.

FARM LABOR CONTRACTORS

The Division of Labor and Industry is charged with administering the Farm Labor Contractors Law which 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. 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 2023	
Applications received	2
Licenses issued	2
Licenses denied	0
Applications incomplete	0

When applications are received, the Division of Labor and Industry continues to process the applications and issue licenses to qualified applicants. Since the FLC must also obtain federal registration, where appropriate, complaints are referred to the U.S. Department of Labor for investigation. There were no citations issued for violations of the Farm Labor Contractors Law in 2023.

LIVING WAGE - 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 valued at more than \$100,000. 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.

The State Finance and Procurement Article requires the Commissioner of Labor and Industry to adjust the living wage rates each year based on the Consumer Price Index. New rates are published at the beginning of the State’s fiscal year in July and become effective 90 days after the end of the state's fiscal year in June.

The law establishes two tiers of rates based on the geographic area where the work is performed or the location benefiting from the work.

The tiers and rates as of September 29, 2023, are as follows:

Tier 1—\$16.13 per hour: Anne Arundel County, Baltimore City, Baltimore, Howard, Montgomery, and Prince George’s Counties

Tier 2—\$12.11 per hour: Any county in the State not included in the Tier 1 area for each hour worked on that contract. *

*State law requires that contractors and subcontractors pay each covered employee at least the higher of the State minimum wage or the minimum Living Wage rate established for the applicable Tier area.

Maryland's minimum wage rate, established in the Labor and Employment Article, is set to increase to \$15.00 per hour on January 1, 2024. As the minimum wage rate surpasses the Tier 2 living wage rate, the Division has reached out to contractors to ensure they understand that they are required to pay the higher minimum wage or the living wage. The Division's outreach includes information on webpages and dissemination of information to procurement agencies to avoid any confusion.

Living Wage Activity for 2023

Service Contracts Received	209
Exempt & Non-Exempt Contracts as of 12/31	3597
Employees Receiving Restitution	9
Amount of Restitution Recovered	2313

WORKPLACE FRAUD ACT - CONSTRUCTION AND LANDSCAPING

The Workplace Fraud Act (WFA), Labor and Employment Article, Title 3, Subtitle 9, *Annotated Code of Maryland* requires that all workers in the construction and landscaping industries in Maryland be properly classified for purposes of workers’ compensation and unemployment insurance and for payroll tax withholdings. A work provider may not report a worker as an independent contractor and give that worker a 1099 if an employer-employee relationship exists in fact. Certain small business operators are exempt from the WFA, and a work provider may properly classify a worker as an independent contractor or sub-contractor if they meet the proper conditions and have the proper documentation.

To ensure compliance with the WFA, the Workplace Fraud Unit (WPF) conducts compliance reviews based on complaints, referrals from other government agencies, and random selection.

Workplace Fraud Unit Activity Report 2023

The data below represents activity conducted between January 1 and December 31:

# of and nature of complaints	6
# of investigations conducted	164
# of citations issued	4
# of informal resolutions	0
# of appeals to OAH and outcome	0
# of requests for judicial review	0
# of civil penalties assessed	4
Total penalty dollar amount collected	\$4,050

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 responsibility for the development and enforcement of a state occupational safety and health program.

In March 1971, the Governor of Maryland 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 employed by the Federal Government or in the maritime, longshore, and mining industries in Maryland. MOSH is charged with ensuring that each employer meets its responsibility of providing each working man and woman in the state with safe and healthy working conditions.

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

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. MOSH has a workforce of 99 dedicated State employees and operates its programs under State law with OSHA approval, matching grants, and oversight to ensure MOSH program operations are "at least as effective" as OSHA. MOSH retains the flexibility to tailor state-specific programs to address Maryland local issues and concerns.

During Calendar Year 2023, the MOSH program implemented a new five-year strategic plan (FFY 2023-2027) with strategic goals focused on: improving workplace safety and health through compliance assistance and enforcement of occupational safety and health regulations; promoting a safety and health culture through Cooperative Partnerships, Compliance Assistance, On-Site Consultation Programs, Outreach, and Training and Education; securing public confidence through excellence in the development and delivery of MOSH programs and services, and by providing excellent customer service. MOSH issued eight Instructions that update policies for handling whistleblower complaints, site-specific targeting, high hazard industries, and compliance inspection guidance for certain industries.

In response to significant events and to promote workplace safety and health, MOSH facilitated and participated in stakeholder engagement processes for roadway work zones, the tree care industry, fire and emergency response operations, and indoor and outdoor workplaces affected by heat stress and heat-related illness.

The Office of the Assistant Commissioner for MOSH also responds to requests under the Maryland Public Information Act (MPIA) for copies of documents maintained by the MOSH Program. MOSH received and processed 168 MPIA requests in 2023; a 6% increase from 2022.

STAFFING

In 2023, MOSH continued its aggressive hiring practices and welcomed 11 new team members, including 9 Safety Compliance Officers and 2 Industrial Hygienists. Each trainee participated in a training curriculum that consisted of classroom-style and field training with senior compliance officers. Several training classes were scheduled throughout 2023 and included topics covering the 29 CFR 1926 Construction Subparts, as well as equipment use, inspection procedures, and case writing. MOSH personnel, including veteran compliance safety and health officers and consultants, supervisors, and managers, provided the training, which included classroom and hands-on practical instruction and evaluation. MOSH took advantage of both virtual and on-site classes offered by the OSHA Training Institute in Arlington Heights, IL, with compliance officers and consultants attending or scheduled for courses through September 2024. Compliance Officers and Consultants were also able to engage in internal on-the-job training with senior compliance offices in the field, and attend safety and health conferences.

ENFORCEMENT

Enforcement is the largest unit within MOSH. In 2023, MOSH averaged 46 compliance officers throughout the year assigned to one of four office locations in the State - Easton, Hagerstown, Hunt Valley, and Largo. MOSH Enforcement operates seven regions (six safety and one health) that cover all geographic areas of the State. Each safety region covers a group of counties, while the health region covers the entire State.

During CY2023, MOSH was able to maintain an effective enforcement program despite operational challenges, including staff turnover. Compliance officers conducted 1,189 inspections through enforcement programs, removed over 35,000 employees from hazardous conditions, and identified over 6,000 hazards. In 2023, compliance officers conducted 201 on-site investigations of formal complaints alleging serious hazards and investigated 20 work-related fatalities. MOSH achieved inspection outcomes equivalent with federal counterparts and ensured that identifying and removing hazards from employees in the state of Maryland remained a top priority.

MOSH compliance officers are regarded as some of the most technically diverse inspectors, able to readily identify hazards across various industries. Mandatory compliance officer training aligns with the competency-based training model for OSHA compliance personnel. The training curriculum includes initial phase courses such as Initial Compliance, Inspection Techniques and Legal Aspects, Accident Investigation, Interviewing, and Introduction to Safety and/or Health Standards. Technical courses offered range from topics such as Excavation and Trenching, Demolition, Electrical Standards, Machine Guarding, Fall Protection, Principles of Scaffolding, Industrial Noise, Respiratory Protection, and Industrial Ventilation. By attending these training courses and completing on-the-job training, compliance officers obtain the knowledge, skills, and abilities to become highly trained occupational safety and health inspectors.

NOTABLE CASES

Carbon Monoxide Fatality Inside of a Service Truck

On February 22, 2023, MOSH was notified of a work-related fatality involving one employee reported to have died from carbon monoxide (CO) exposure while working inside the enclosed service body of a utility truck with the door closed. The victim's blood carbon monoxide level was determined to be 75% (normal range: 0-5%). Upon inspection, industrial hygienists (IHs) observed, installed in the back of the truck, a 30-gallon, two-stage air compressor powered by a 13-horsepower gasoline engine. Exhaust from the compressor was conveyed to the outside of the truck via a fabricated piping system. The compressor was reportedly used during normal service, maintenance, and repair activities. To determine how the CO exposure occurred and estimate the carbon monoxide exposure levels inside the truck body resulting in the employee's death, MOSH IHs performed a series of tests.

1. To confirm the presence of CO inside the compressor air tank, the IHs attached an air nozzle to the compressor air hose, transferred a portion of the air within the air tank to an aluminized bag, then used a multi-gas meter and pump to analyze the sample. The air inside the compressor tank contained approximately 600 parts per million (ppm) of CO.
2. To confirm the piping system was leaking exhaust air into the body of the truck, the IHs tested the exhaust system for leaks using a modified pipe cap with a drilled hole to administer smoke into the exhaust pipe at the terminal end outside of the truck. An electric air compressor was then used to apply slight positive pressure to the exhaust system in order to allow the smoke to escape from unsealed points in the piping configuration. The compressor engine was rotated to close both the intake and exhaust valves, preventing any smoke from entering the engine. The IHs found leaks at each coupling and threaded connection of the multiple-component piping system.
3. Lastly, MOSH IHs assessed the CO concentration inside the truck body while (a) the air compressor was in operation and (b) the door to the truck box was closed. One multi-gas meter in data-logging mode was placed inside the truck near the air compressor. A second gas meter pump was placed on the exterior of the truck and fitted with a pump and tubing to draw air from the inside of the truck body, allowing MOSH inspectors to monitor real-time CO levels inside the truck while the compressor was running. CO levels within the back of the service truck reached levels that were immediately dangerous to life or health (IDLH) in approximately seven minutes. The IDLH concentration for carbon monoxide is 1,200 ppm.

Work Zone Safety

On March 22, 2023, MOSH investigated a fatality involving six workers who were struck and killed by a vehicle which breached a median work zone at a high rate of speed. The findings of the inspection revealed that contractors were not in violation of existing laws or regulations related to the fatal accident. To reduce the risk of future roadway work zone accidents, MOSH issued hazard alert letters to the contractors and the State Department of Transportation highlighting recommendations for best practices in work zone safety. Additionally, MOSH, along with other stakeholders, participated in a state-wide safety workgroup which provided to the Governor recommendations to improve work zone safety.

Fire Response Significant Near-Miss Event

On July 18, 2023, firefighters employed by a local government agency responded to a three-alarm fire in an unoccupied commercial building and experienced a significant near-miss event, which prompted a subsequent MOSH enforcement inspection. While there were no fatalities or severe injuries, the MOSH investigation found the employer failed to follow recognized industry safety standards and enforce departmental standard operating procedures when responding to the fire. Eight general duty clause violations were issued where the findings of the inspection revealed: 1) Responders did not perform a risk assessment or perform a 360-degree walkaround of the building prior to allowing firefighters to self-deploy and enter the building; 2) Firefighters who went into the burning building did not maintain visual or audio contact with each other at all times and did not wear full protective gear or breathing apparatus while trying to locate the source of the fire inside the building; 3) Incident commanders did not coordinate face-to-face hand-off of the scene and did not communicate the status of the fire,

leading them to operate without current knowledge of the rapidly-changing situation; 4) The rapid intervention team entered the building without authorization from the incident commander, without accounting for all members of the team, and without proper retrieval equipment despite an already-established MAYDAY alert; and 5) Firefighters were not provided adequate training on rescue intervention or use of thermal imaging cameras. The combination of these deficiencies created a hazardous situation that exposed employees to becoming lost, disoriented, trapped and/or suffering acute, life-threatening injuries.

DISCRIMINATION

MOSH is charged with handling discrimination complaints pursuant to Section 5-604 of the Labor & Employment Article and under COMAR 09.12.20.05. It is the policy of MOSH to be as accessible as possible to those who have legitimate discrimination complaints concerning safety and health.

Timely-filed discrimination complaints are investigated by MOSH personnel, who recommend appropriate case dispositions to the Assistant Commissioner at the conclusion of the investigations. The Assistant Commissioner makes the final determination in the cases and notifies the complainants of the determination. When there is a merit determination in a case where resolution cannot be reached, the case is transferred to the Office of the Attorney General (OAG), as counsel to the Assistant 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.

MOSH investigated a total of 33 whistleblower complaints in Calendar Year 2023. MOSH found 15.15% of cases meritorious. For the meritorious discrimination complaints, MOSH was able to collect back pay wages totaling approximately \$173,636.22.

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.

Outreach Program

TRAINING AND EDUCATION

The Maryland Occupational Safety and Health Program operates the MOSH Training and Education Unit, which provides information and training to internal stakeholders as well as employers, employees, unions, trade associations, and the general public. MOSH distributes resources pertaining to MOSH/OSHA laws and regulations in the form of flyers, fact sheets, brochures, pamphlets, and booklets. The unit also has a video library that contains several hundred titles on safety and health issues that employers can check out to aid in their training of

employees. The Education Unit maintains a comprehensive reference library with several hundred books, national consensus standards, and more for employers to research. The Education Unit provides speakers for employers who want to teach their employees about specific topics, as well as informational booths at safety fairs and conventions throughout the state. This unit is also responsible for providing free public seminars on a variety of safety and health topics. A public website (<http://www.labor.maryland.gov/labor/mosh>) is maintained for employers and employees to search for regulations, publications, course offerings, and general information about MOSH. In late 2023, MOSH rehired a previous training coordinator who has lent her experience to restructuring the agency's approach to Outreach and the goals it sets. For the full calendar year of 2023, MOSH was able to conduct 31 Outreach events, reaching over 1,900 employers and employees in the State of Maryland. The training and education unit continued to develop, train, and support compliance assistance staff in order to fulfill speaker requests and provide training seminars to the general public. MOSH was able to offer speaking engagements on a wide variety of safety and health topics, including tree care, fall protection, machine guarding, and teen safety. MOSH continued targeted outreach to employers in the Tree Care Industry through collaboration with a local arborist association, stakeholder meetings, and virtual and in-person training seminars on tree care safety to continue focusing resources on industries with high fatality and injury/illness rates.

COOPERATIVE PROGRAMS

MOSH maintains several strategic partnership programs for employers that offer workplace safety and health protections to their employees above and beyond the minimum standards. Cooperative programs include the Voluntary Protection Program (VPP), Cooperative Compliance Partnerships (CCP), and Safety and Health Achievement Recognition Program (SHARP). Companies that achieve partnership or alliance status are looked upon as leaders in safety and health. Strategic partnership programs are beneficial to the participating employers, trade associations, organizations, and MOSH because they allow us to partner together, outside the scope of traditional compliance enforcement, to ensure safe and healthful working conditions for the workers in Maryland. Each program is discussed in further detail below.

VOLUNTARY PROTECTION PROGRAM (VPP)

Maryland's VPP Program is a cooperative effort by MOSH and participating employers to extend worker protection beyond the minimum required by MOSH standards. VPP recognizes the outstanding achievements of participating employers who have successfully incorporated comprehensive safety and health management plans into their total management system.

COOPERATIVE COMPLIANCE PARTNERSHIP (CCP)

The Maryland Cooperative Compliance Partnership (CCP) program is a cooperative approach to safety by MOSH and participating construction contractors to extend worker

protection beyond the minimum OSHA/MOSH standards. Each CCP is site-specific and designed to recognize the outstanding achievements of participating employers who have successfully incorporated comprehensive safety and health programs into their total management system. Over the years, MOSH built lasting relationships with these contractors and is now seeing a new safety culture emerge among, not just the individual companies, but the individual employees as well.

SAFETY AND HEALTH ACHIEVEMENT RECOGNITION PROGRAM (SHARP)

The Safety and Health Achievement Recognition Program (SHARP) is operated through the MOSH On-Site Consultation Program and recognizes small employers who operate an exemplary safety and health management system. The acceptance into SHARP by MOSH is an achievement that singles employers out among their business peers as models of worksite safety and health. The program recertified two SHARP sites in 2023, Architectural Ceramics, Inc. in Rockville, and Acadia Windows and Doors, LLC in Rosedale.

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 hazards, including air and noise sampling when necessary, a closing conference to set a schedule for correction of hazards, and a written report.

Private Sector Consultation is separate from MOSH Compliance. No citations or penalties are issued. However, an employer is obligated to correct any imminent danger hazard immediately and to correct all serious hazards within an agreed-upon correction schedule. The 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, meetings, safety and health program assessments and assistance, and limited formal or informal training on-site regarding conditions observed during a survey.

In 2023, the Private Sector Consultation unit consisted of four full-time safety consultants and two full-time health consultants, who assisted the Public Sector Consultation unit as needed. The unit was able to complete 275 initial on-site hazard surveys, 37 follow-up visits, and 13 training visits during 2023. Based on opening conference dates during the same period, 923 serious hazards, 391 other-than-serious hazards, and zero imminent-danger hazards were identified.

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 standard interpretation and training.

In 2023, Public Sector Consultation completed 51 initial on-site hazard surveys, 6 follow-up visits, and zero training and education visits. Based on opening conference dates during the same period, 124 serious hazards, 43 other-than-serious hazards, and zero imminent danger hazards were identified. Through our public sector consultation visits, MOSH was able to remove over 18,800 employees from risk

Research And Statistics

The MOSH Research and Statistics Unit is responsible for developing and administering data collection programs that generate occupational injury and illness statistics. The current data collection programs are the Survey of Occupational Injuries and Illnesses (SOII); the Census of Fatal Occupational Injuries (CFOI); and an online query application that accesses the Maryland Workers' Compensation Commission's Employer First Report of Injury and Illness database. Statistics from these three programs provide a valuable tool to help guide the Maryland Occupational Safety and Health Agency's surveillance efforts by creating a body of data that describes the nature and cause of occupational injury and illness. In addition, the SOII results are used to identify and profile the most hazardous industries in Maryland that may 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 the SOII. The SOII estimates the number and frequency (incidence rates) of nonfatal workplace injuries and illnesses. The estimates are based on injury and illness logs kept by employers on an annual basis. Each January, a survey is mailed to a selected sample of Maryland

employers, asking them about their previous year’s workplace injury and illness experiences. Reference year 2022 results were collected, compiled, and analyzed during calendar year 2023.

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 and practices, employee experience and training, and the number of hours worked. The 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).

Policymakers 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 use the SOII results. The U.S. Bureau of Labor Statistics includes Maryland’s data when compiling the official national statistics. MOSH uses the program results to establish and assess agency performance measures. Maryland employers use the data to measure the effectiveness of their own safety programs by comparing individual establishment rates to the aggregate state and national rates for their respective industries. Federal OSHA uses the SOII to monitor the effectiveness of certain MOSH activities and to measure our progress in meeting the objective 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.

MARYLAND SOII RESULTS FOR 2022

Private industry employers reported 42,600 nonfatal workplace injuries and illnesses in Maryland in 2022, the U.S. Bureau of Labor Statistics reported today. (See [table A.](#)) Regional Commissioner Alexandra Hall Bovee noted that this resulted in a total recordable cases (TRC) incidence rate of 2.4 cases per 100 full-time equivalent workers; the national rate was 2.7.

Table A. Number and rate of nonfatal occupational injuries and illnesses in private industry, United States and Maryland, 2022

Characteristic	United States		Maryland	
	Number (in thousands)	Rate (1)	Number (in thousands)	Rate (1)
Total cases (2)	2,804.2	2.7	42.6	2.4
Cases with days away from work, job transfer, or restriction	1,761.9	1.7	27.6	1.6
Cases with days away from work	1,184.2	1.2	21.0	1.2
Cases with job transfer or restriction	577.7	0.6	6.6	0.4
Other recordable cases	1,042.3	1.0	15.0	0.9

Footnotes:
(1) Incidence rates represent the number of injuries and illnesses per 100 full-time workers and were calculated as: $(N/EH) \times 200,000$ where N = number of injuries and illnesses; EH = total hours worked by all employees during the calendar year; and 200,000 = base for 100 equivalent full-time workers (working 40 hours per week, 50 weeks per year).
(2) Excludes farms with fewer than 11 employees.

Note: Due to rounding, components may not add to totals.

Maryland's findings from the 2022 Survey of Occupational Injuries and Illnesses include:

- TRC incidence rates in private industry ranged from 0.9 in financial activities to 3.9 in trade, transportation, and utilities. (See [table 1.](#))
- Two supersectors, with 42 percent of private industry employment, accounted for 60 percent of the occupational injuries and illnesses: trade, transportation, and utilities and education and health services. (See [table 2.](#))
- In private industry, the TRC injury and illness incidence rate ranged from 1.8 for establishments employing 11 to 49 workers to 3.4 for establishments employing 1,000 or more workers. (See [table 3.](#))
- Maryland's private industry TRC rate of 2.4 in 2022 was significantly lower than the 2021 rate of 2.7. (See [table 4.](#))

Private industry injury and illness case types

Of the 42,600 private industry injury and illness cases reported in Maryland, 27,600 were of a more severe nature, involving days away from work, job transfer, or restriction—commonly referred to as DART cases. These cases occurred at a rate of 1.6 cases per 100 full-time workers. Seventy-six percent of the DART cases in Maryland were incidents that resulted in at least one day away from work, compared to 67 percent nationally. Other recordable cases (those not involving days away from work, job transfer, or restriction) accounted for the remaining 15,000 cases in Maryland, at a rate of 0.9. In comparison, the national rate for other recordable cases was 1.0.

In Maryland, the education and health services supersector had significant decreases in both its TRC and DART incidence rates from the previous year. The information supersector had a significant decrease in its DART incidence rate from the previous year. No other private industry supersector had a significant change in its TRC or DART rate from the previous year. In 2022, 36,300 (85.2 percent) of private industry recordable injuries and illnesses were injuries. Workplace illnesses accounted for an additional 6,400 recordable cases.

State and local government injury and illness cases

In the state and local government sector in Maryland, 14,300 injury and illness cases were reported in 2022, resulting in a rate of 5.3 cases per 100 full-time workers. Nationally, the rate was 4.9. Eighty percent of injuries and illnesses reported in Maryland's public sector occurred among local government workers.

State estimates

Private industry estimates are available for 42 participating states and for the District of Columbia for 2022. (See [map 1.](#)) Caution should be taken when comparing total private rates among different states as some differences can be attributed to different industry composition within each state.

Technical Note

The Survey of Occupational Injuries and Illnesses (SOII) is a Federal/State cooperative program that publishes estimates on nonfatal occupational injuries and illnesses. In-scope cases include work-related injuries or illnesses to workers who require medical care beyond first aid. See the Occupational Safety and Health Administration (OSHA) for the entire [recordkeeping guidelines](#). The SOII excludes all work-related fatalities as well as nonfatal work injuries and illnesses to the self-employed, to workers on farms with 10 or fewer employees, to private household workers, to volunteers, and to federal government workers. For more information on the SOII program, scope, and sampling methodology, see the [national Employer-Reported Workplace Injuries and Illnesses release](#) and the [SOII Handbook of Methods](#).

Table 1. Incidence rates of nonfatal occupational injuries and illnesses by selected industries and case type, Maryland, 2022

Industry (1)	Total recordable cases (2)	Cases with days away from work, job transfer, or restriction (2)(3)			Other recordable cases (2)
		Total	Cases with days away from work (3)	Cases with job transfer or restriction	
All industries including state and local government	2.8	1.7	1.3	0.4	1.1
Private industry (4)	2.4	1.6	1.2	0.4	0.9
Goods-producing	2.4	1.6	1.0	0.6	0.8
Natural resources and mining (4)(5)	-	1.0	0.3	0.7	-
Construction	2.0	1.3	0.8	0.5	0.7
Manufacturing	2.9	2.0	1.3	0.7	0.9
Service-providing	2.4	1.6	1.2	0.3	0.9
Trade, transportation, and utilities (6)	3.9	3.0	2.2	0.8	0.9
Information	1.0	0.3	0.1	0.2	-
Financial activities	0.9	0.5	0.5	-	0.4
Professional and business services	1.0	0.5	0.4	0.1	0.5
Education and health services	3.1	1.8	1.5	0.3	1.3
Leisure and hospitality	2.6	1.3	1.1	0.3	1.2
Other services, except public administration	-	-	-	-	-
State and local government	5.3	2.9	2.2	0.7	2.4
State government	3.4	2.1	1.8	0.3	1.3
Local government	6.1	3.2	2.3	0.9	2.9

Footnotes:

- (1) Data are coded using the North American Industry Classification System (NAICS). For more information on the version of NAICS used in this year, see our Handbook of Methods concepts page: <https://www.bls.gov/opub/hom/soii/concepts.htm>.
- (2) Incidence rates represent the number of injuries and illnesses per 100 full-time workers and were calculated as: $(N/EH) \times 200,000$ where N = number of injuries and illnesses; EH = total hours worked by all employees during the calendar year; and 200,000 = base for 100 equivalent full-time workers (working 40 hours per week, 50 weeks per year).
- (3) Days-away-from-work cases include those that result in days away from work with or without job transfer or restriction.
- (4) Excludes farms with fewer than 11 employees.
- (5) Data for mining (Sector 21 in the North American Industry Classification System) include establishments not governed by the Mine Safety and Health Administration (MSHA) rules and reporting, such as those in oil and gas extraction and related support activities. Data for mining operators in coal, metal, and nonmetal mining are provided to BLS by the Mine Safety and Health Administration, U.S. Department of Labor. Independent mining contractors are excluded from the coal, metal, and nonmetal mining industries. These data do not reflect the changes the Occupational Safety and Health Administration made to its recordkeeping requirements effective January 1, 2002; therefore, estimates for these industries are not comparable to estimates in other industries.
- (6) Data for employers in rail transportation are provided to BLS by the Federal Railroad Administration, U.S. Department of Transportation.

Note: Due to rounding, components may not add to totals. Dash indicates data not available.

Table 2. Numbers of nonfatal occupational injuries and illnesses by selected industries and case types, Maryland, 2022 (numbers in thousands)

Industry (1)	Total recordable cases	Cases with days away from work, job transfer, or restriction (2)			Other recordable cases
		Total	Cases with days away from work (2)	Cases with job transfer or restriction	
All industries including state and local government	56.9	35.3	26.8	8.5	21.6
Private industry (3)	42.6	27.6	21.0	6.6	15.0
Goods-producing	6.2	4.1	2.5	1.6	2.2
Natural resources and mining (3)(4)	-	0.1	-	-	-
Construction	3.0	1.9	1.2	0.8	1.1
Manufacturing	3.0	2.1	1.3	0.8	0.9
Service-providing	36.4	23.5	18.5	5.0	12.9
Trade, transportation, and utilities (5)	14.9	11.3	8.4	3.0	3.6
Information	0.3	0.1	-	0.1	-
Financial activities	1.1	0.7	0.6	-	0.4
Professional and business services	4.0	2.1	1.7	0.3	2.0
Education and health services	10.5	6.0	4.9	1.1	4.5
Leisure and hospitality	4.0	2.0	1.6	0.4	1.9
Other services, except public administration	-	-	-	-	-
State and local government	14.3	7.8	5.9	1.9	6.6
State government	2.8	1.7	1.5	0.2	1.1
Local government	11.5	6.1	4.4	1.7	5.4

Footnotes:

(1) Data are coded using the North American Industry Classification System (NAICS). For more information on the version of NAICS used in this year, see our Handbook of Methods concepts page: <https://www.bls.gov/opub/hom/soii/concepts.htm>.

(2) Days-away-from-work cases include those that result in days away from work with or without job transfer or restriction.

(3) Excludes farms with fewer than 11 employees.

(4) Data for mining (Sector 21 in the North American Industry Classification System) include establishments not governed by the Mine Safety and Health Administration (MSHA) rules and reporting, such as those in oil and gas extraction and related support activities. Data for mining operators in coal, metal, and nonmetal mining are provided to BLS by the Mine Safety and Health Administration, U.S. Department of Labor. Independent mining contractors are excluded from the coal, metal, and nonmetal mining industries. These data do not reflect the changes the Occupational Safety and Health Administration made to its recordkeeping requirements effective January 1, 2002; therefore, estimates for these industries are not comparable to estimates in other industries.

(5) Data for employers in rail transportation are provided to BLS by the Federal Railroad Administration, U.S. Department of Transportation.

Note: Due to rounding, components may not add to totals. Dash indicates data not available.

Table 3. Incidence rates of nonfatal occupational injuries and illnesses by selected industries and employment size, Maryland, 2022

Industry (1)	All establishments (2)	Establishment employment size (workers) (2)				
		1 to 10	11 to 49	50 to 249	250 to 999	1,000 or more
All industries including state and local government	2.8	-	1.8	3.4	3.5	4.0
Private industry (3)	2.4	-	1.8	3.0	3.3	3.4
Goods-producing	2.4	0.9	2.4	3.0	2.7	1.6
Natural resources and mining (3)(4)	-	-	-	-	4.2	-
Construction	2.0	-	2.2	2.5	2.3	0.8
Manufacturing	2.9	1.6	3.2	3.7	2.8	1.7
Service-providing	2.4	-	1.7	3.0	3.4	3.6
Trade, transportation, and utilities (5)	3.9	-	2.6	4.5	6.3	6.5
Information	1.0	-	-	1.2	-	-
Financial activities	0.9	-	1.8	0.9	0.5	-
Professional and business services	1.0	-	1.3	1.2	0.9	1.2
Education and health services	3.1	-	1.0	4.3	4.2	3.8
Leisure and hospitality	2.6	-	1.8	3.2	6.1	-
Other services, except public administration	-	-	1.2	2.1	-	-
State and local government	5.3	3.5	3.9	5.8	4.9	5.1
State government	3.4	-	1.7	4.5	5.2	1.8
Local government	6.1	9.2	4.3	6.1	4.6	7.0

Footnotes:

(1) Data are coded using the North American Industry Classification System (NAICS). For more information on the version of NAICS used in this year, see our Handbook of Methods concepts page: <https://www.bls.gov/opub/hom/soii/concepts.htm>.

(2) Incidence rates represent the number of injuries and illnesses per 100 full-time workers and were calculated as: $(N/EH) \times 200,000$ where N = number of injuries and illnesses; EH = total hours worked by all employees during the calendar year; and 200,000 = base for 100 equivalent full-time workers (working 40 hours per week, 50 weeks per year).

(3) Excludes farms with fewer than 11 employees.

(4) Data for mining (Sector 21 in the North American Industry Classification System) include establishments not governed by the Mine Safety and Health Administration (MSHA) rules and reporting, such as those in oil and gas extraction and related support activities. Data for mining operators in coal, metal, and nonmetal mining are provided to BLS by the Mine Safety and Health Administration, U.S. Department of Labor. Independent mining contractors are excluded from the coal, metal, and nonmetal mining industries. These data do not reflect the changes the Occupational Safety and Health Administration made to its recordkeeping requirements effective January 1, 2002; therefore, estimates for these industries are not comparable to estimates in other industries.

(5) Data for employers in rail transportation are provided to BLS by the Federal Railroad Administration, U.S. Department of Transportation.

Note: Dash indicates data not available.

Table 4. Incidence rates of nonfatal occupational injuries and illnesses by selected industries and selected case type with measures of statistical significance, Maryland, 2021–22

Industry (1)	Total recordable cases (2)		Cases with days away from work, job transfer, or restriction (2) (3)	
	2021	2022	2021	2022
All industries including state and local government	2.9	2.8	1.8	1.7
Private industry (4)	2.7	2.4*	1.7	1.6
Goods-producing	2.5	2.4	1.8	1.6
Natural resources and mining (4)(5)	-	-	1.6	1.0
Construction	2.2	2.0	1.5	1.3
Manufacturing	2.9	2.9	2.1	2.0
Service-providing	2.7	2.4*	1.7	1.6
Trade, transportation, and utilities (6)	4.1	3.9	3.0	3.0
Information	1.6	1.0	1.4	0.3*
Financial activities	1.2	0.9	0.4	0.5
Professional and business services	1.1	1.0	0.6	0.5
Education and health services	4.1	3.1*	2.4	1.8*
Leisure and hospitality	2.6	2.6	1.2	1.3
Other services, except public administration	1.9	-	1.1	-
State and local government	4.7	5.3*	2.6	2.9
State government	3.2	3.4	2.0	2.1
Local government	5.4	6.1	2.9	3.2

Footnotes:

(1) Data are coded using the North American Industry Classification System (NAICS). For more information on the version of NAICS used in this year, see our Handbook of Methods concepts page: <https://www.bls.gov/opub/hom/soii/concepts.htm>.

(2) Incidence rates represent the number of injuries and illnesses per 100 full-time workers and were calculated as: $(N/EH) \times 200,000$ where N = number of injuries and illnesses; EH = total hours worked by all employees during the calendar year; and 200,000 = base for 100 equivalent full-time workers (working 40 hours per week, 50 weeks per year).

(3) Days-away-from-work cases include those that result in days away from work with or without job transfer or restriction.

(4) Excludes farms with fewer than 11 employees.

(5) Data for mining (Sector 21 in the North American Industry Classification System) include establishments not governed by the Mine Safety and Health Administration (MSHA) rules and reporting, such as those in oil and gas extraction and related support activities. Data for mining operators in coal, metal, and nonmetal mining are provided to BLS by the Mine Safety and Health Administration, U.S. Department of Labor. Independent mining contractors are excluded from the coal, metal, and nonmetal mining industries. These data do not reflect the changes the Occupational Safety and Health Administration made to its recordkeeping requirements effective January 1, 2002; therefore, estimates for these industries are not comparable to estimates in other industries.

(6) Data for employers in rail transportation are provided to BLS by the Federal Railroad Administration, U.S. Department of Transportation.

Note: Dash indicates data not available. An asterisk (*) indicates a significant difference between the current year and prior year values, when testing at 95% confidence level.

THE MARYLAND CENSUS OF FATAL OCCUPATIONAL INJURIES (CFOI)

The Maryland CFOI program within the Division of Labor and Industry compiles a complete accounting of all fatal work injuries occurring in the State during the calendar year. The program uses diverse data sources from a variety of federal, state, and local government administrative records, media reports, and other independent data sources, in order to substantiate and profile fatal work injuries. CFOI includes data for all workplace fatalities, regardless of whether the fatality was under the regulatory authority of the Maryland Occupational Safety and Health Agency or other federal and state agencies. Any comparisons, therefore, between the CFOI program’s census counts and those released by other agencies or sources should take into account the different scopes of coverage and definitions being used.

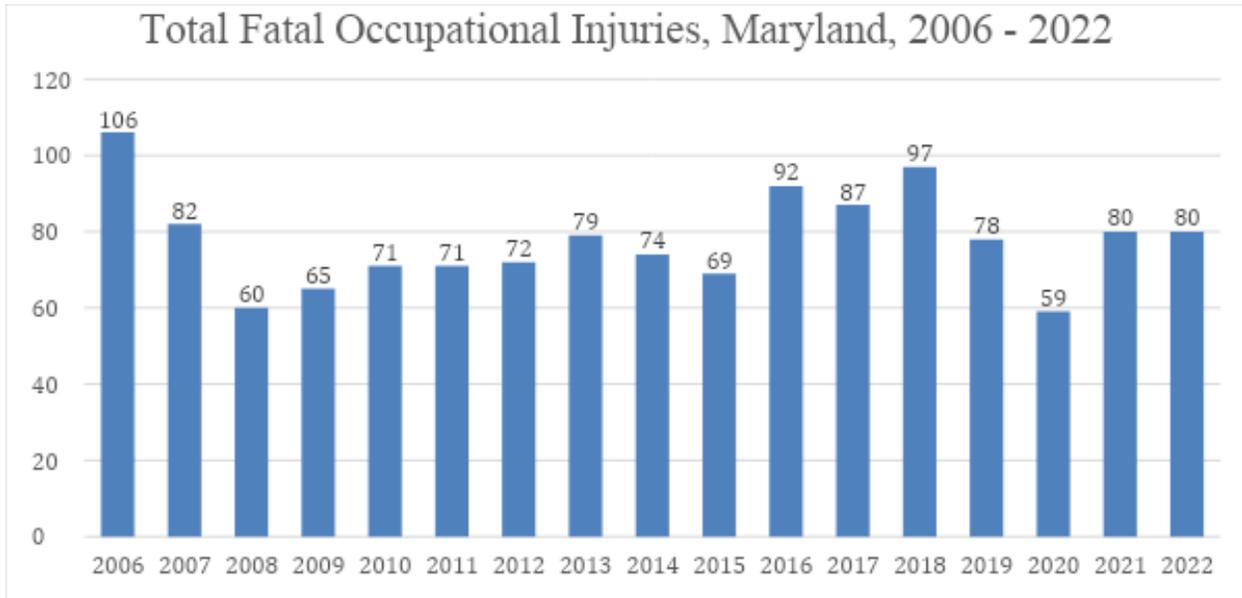
For a fatality to be included in this census, the decedent must have been employed (defined as working for pay, compensation, or profit) at the time of the event, engaged in a legal work activity, or present at the site of the incident as a requirement of his or her job. Fatalities to volunteers and unpaid family workers who perform the same duties and functions as paid workers are also included in the count. These criteria are generally broader than those used by other State and federal agencies administering specific laws and regulations. (Fatalities that occur during a person's normal commute to and from work are excluded from the census counts.)

Data presented includes deaths occurring 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.

MARYLAND CFOI RESULTS FOR 2022

Fatal work injuries totaled 80 in 2022 for Maryland according to the latest fatality census results from the Bureau of Labor Statistics' Census of Fatal Occupational Injuries (CFOI). The number of work-related fatalities for 2022 remained level with the total fatalities in the previous year, 2021. Since 1992, fatal occupational injuries in Maryland have ranged from a high of 106, reported in 2006, to a low of 59, reported in 2020. Certain fatal events are not covered under the Maryland Occupational Safety and Health agency's investigative oversight including cases of workplace homicide and suicide; certain transportation events, such as aircraft, rail, and highway crashes; and fatalities to the self-employed. The Census of Fatal Occupational Injuries does include these cases, therefore the work fatality count reported on CFOI is significantly higher.

Nationwide, a total of 5,486 fatal work injuries were recorded in the United States in 2022, a 5.7-percent increase from 5,190 in 2021. The national total of work fatalities for 2020 of 4,764 represented the lowest annual number since 2013.

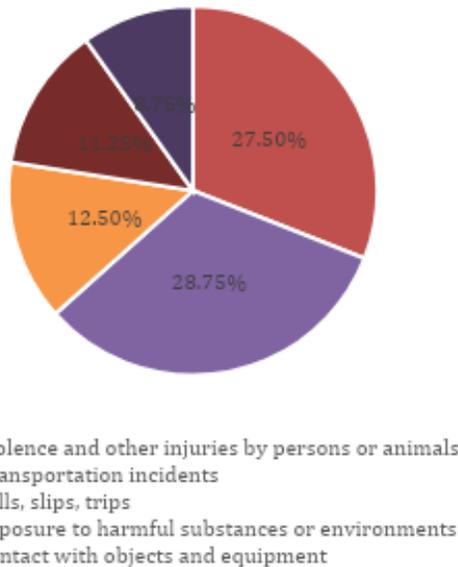


Source: Maryland Division of Labor and Industry in cooperation with the U.S. Bureau of Labor Statistics, CFOI Program, December 2023.

Type of incident

In Maryland, transportation incidents were the most frequent type of incident resulting in 23 fatal work injuries. Violence and other injuries by persons or animals accounted for 22 fatalities and Falls, slips, trips accounted for 10 fatalities. These three major categories accounted for nearly 69 percent of all workplace fatalities in the state. The number of worker deaths from transportation incidents rose from 21 in 2021, but with the exception of three years (1995, 2014, and 2021), transportation events have remained the most frequent cause of death for workers in Maryland; in 2018, it tied with exposure to harmful substances or environments for the most frequent.

Fatal Work Injuries by Event, Maryland, 2022



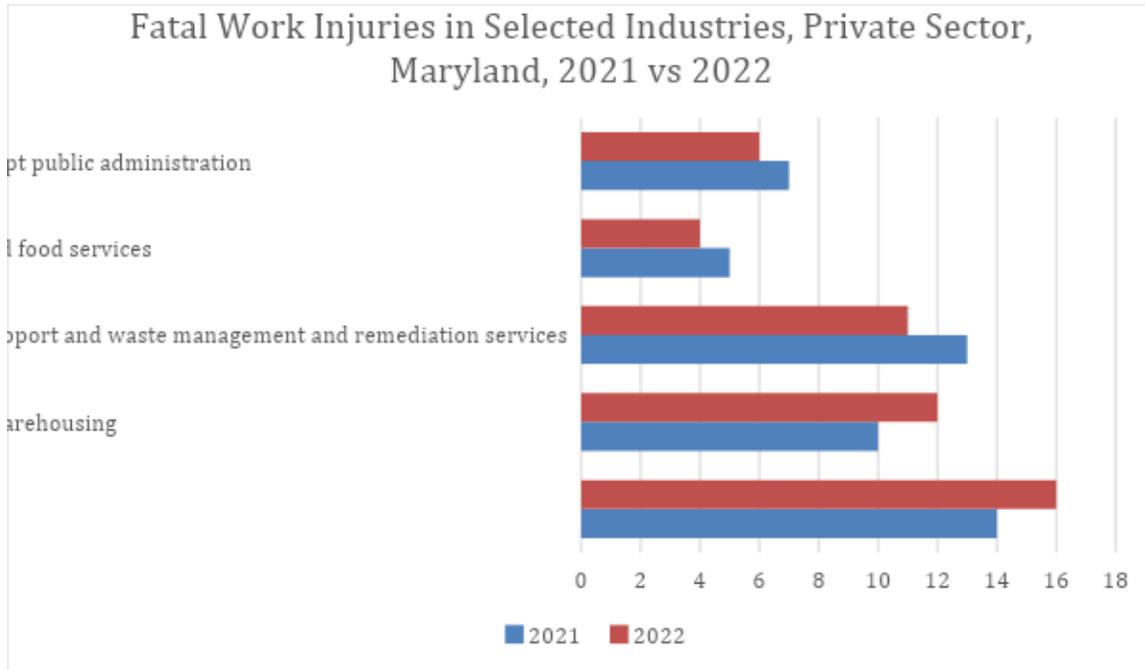
Source: Maryland Division of Labor and Industry in cooperation with the U.S. Bureau of Labor Statistics, CFOI Program, December 2023.

Note: Total may not equal 100 percent due to rounding.

Nationally, transportation incidents remained the most frequent workplace event in 2022 with 2,066 fatalities, a slight 4.2 percent increase from 1,982 in 2021. Suicides increased 13.1 percent (267 fatalities in 2022) following a decrease in 2020 (259 fatalities) and 2021 (236 fatalities). Unintentional overdoses increased 13.1 percent to 525 fatalities in 2022, up from 464 in 2021, continuing a trend of annual increases since 2012. Fatalities due to exposure to temperature extremes increased 18.6 percent in 2022, rising to 51 from 43 in 2021.

Industry

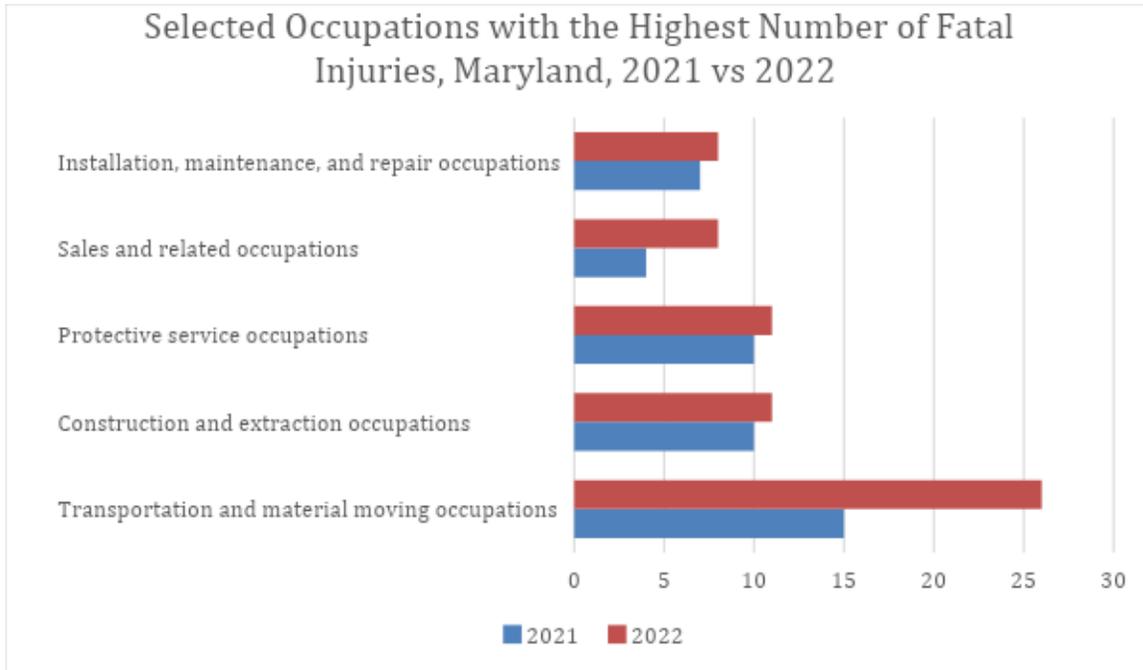
The private construction industry had the largest numbers of fatalities in Maryland in 2022 with 16, up from 14 in 2021. Falls, slips, and trips accounted for 6 of the 16 fatalities in this industry. The private sector transportation and warehousing had 12 worker fatalities, up from 10 in 2021. Of those 12 fatalities, 6 were transportation incidents and 4 were caused by Violence and other injuries from people and animals. Administrative and support and waste management and remediation services accounted for 11 fatal workplace injuries down from 13 in 2021.



Source: Maryland Division of Labor and Industry in cooperation with the U.S. Bureau of Labor Statistics, CFOI Program, December 2023.

Occupation

Transportation and material moving occupations had the highest number of fatalities with 26 (up from 15 in 2021) with the majority of the fatalities within this group being motor vehicle operators accounting for 22 of the fatalities. Construction and extraction occupations, and protective service occupations had the second highest number of fatalities with 11 each. Maryland workers in transportation and material moving occupations, and construction and extraction occupations, and protective service occupations accounted for 60 percent of the state's work-related fatalities as compared to the national percentage of 55.



Source: Maryland Division of Labor and Industry in cooperation with the U.S. Bureau of Labor Statistics, CFOI Program, December 2023.

Additional highlights

- Women accounted for 10 percent of the work-related fatalities in Maryland, down from 11 percent in 2021.
- White, non-Hispanic workers accounted for 46 percent of those who died from a workplace injury while Black, non-Hispanic workers accounted for 35 percent and Hispanic or Latino workers accounted for 14 percent. In 2021, Hispanic or Latino workers accounted for 15 percent of workers who died from a workplace injury and White, non-Hispanic workers accounted for 48 percent.
- There was a decrease in self employed worker workplace deaths from last year. In 2021, self-employed workers accounted for 31 percent of work place deaths. In 2022, the share of self-employed worker deaths was 19 percent.
- Black, non-Hispanic workers accounted for 59 percent of deaths caused by Violence and other injuries by persons or animals while White, non-Hispanic workers accounted for approximately 32 percent of deaths caused by the same event.

Coronavirus (COVID-19) Pandemic and the Census of Fatal Occupational Injuries

CFOI reports fatal workplace injuries only. These may include fatal workplace injuries complicated by an illness such as COVID-19. Fatal workplace illnesses not precipitated by an injury are not in scope for CFOI. CFOI does not report any illness related information, including COVID-19. Additional information is available at www.bls.gov/covid19/effects-of-covid-19-on-workplace-injuries-and-illnesses-compensation-and-occupationalrequirements.htm.

Safety Inspection Unit

The Safety Inspection program includes several diverse inspections and educational initiatives focused on ensuring the safety of the public when using or being 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, and a Chief Elevator 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.

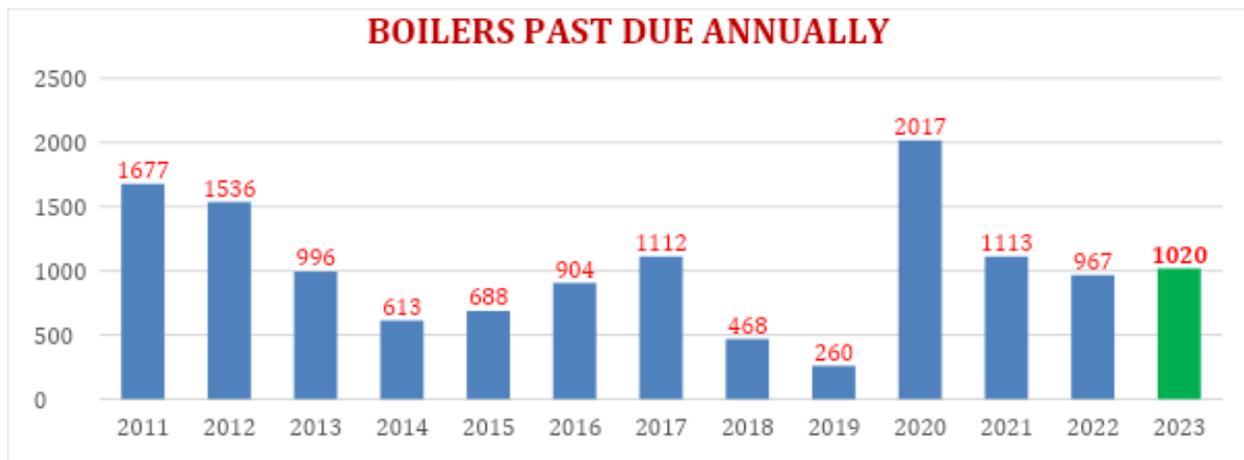
The Boiler and Pressure Vessel Safety Inspection unit is mandated by the General Assembly to ensure proper construction, installation, maintenance, use and repair of these boilers and pressure vessels in order to prevent injury to life, limb, and property. With one vacancies at the end of 2023, the unit currently includes a Chief Boiler Inspector, 8 Deputy Boiler Inspector positions, with 140 AIA Commissioned Inspectors (AIA 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.

AIA Inspectors employed by authorized inspection agencies performed approximately 82% of the 35,827 safety inspections conducted in 2023, as required by the Maryland Boiler and Pressure Vessel Law. All owners/users of boiler and pressure vessels are required to contract with an authorized inspection agency to have the required periodic safety inspections performed. 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 AIA Inspectors, inspecting repairs to boilers and pressure vessels, registering and inspecting all new installations, in addition to performing follow-up inspections of violations to insure their correction. Deputy Boiler Inspectors also perform accident, complaint, and variance investigation.

For many years, the Boiler and Pressure Vessel Unit has steadily reduced the number of past due objects. In 2023, the number of past due objects increased slightly by 5% from 967 objects past due at the end of 2022, to 1,020 finishing out 2023.



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- Boiler and Pressure Vessel data for CY2023:

Boiler and Pressure Vessel Inspections Conducted by Deputy Boiler Inspectors and Special Inspectors			
Inspections		Deputy Inspectors	Special Inspectors
Inspections performed	35,827	6,463	29,364
Units Registered	53,273		
Accidents investigated	0		
Complaints investigated	0		
Total certificates issued	26,105		
New registrations	2,354		

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.

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 20 Maryland companies authorized to perform repairs to boilers and pressure vessels.

Both Deputy Boiler Inspectors and AIA 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 3,605 such violations opened this year, 782 of which were identified by State inspectors. Also, 3,134 violations were corrected throughout the year. Each violation reported and corrected could be 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 tracks 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 vital and necessary. 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. There is currently a Track inspector, a Motive Power and Equipment inspector, and an Operating Practices inspector. There are no longer vacancies in this department.

- Railroad Safety data for CY2023:

Railroad Safety and Health Inspections

Motive Power and Equipment

MP&E Inspections	51
Cars inspected	3,808
Locomotives inspected	95
Defects reported	225
Violations reported	3
Blue Signal observations	11

Track

Track Inspections	94
Private industry inspections	60
Track miles inspected	633
Turnouts inspected	110
Defects reported	200
Violations reported	0

Operating Practices

OP Inspections	99
Railroad operating rules	98
Railroad operating practices	106
Radio standards and procedures	66
Rear end marking devices	0
Hours of service of railroad employees	0
Defects reported	28
Violations reported	2
Blue Flag observations	8

Railroad Accident/Incident Reporting

Accidents/Incidents	25
Fatalities (including trespassers)	9
Injuries	6
Property Damage	5

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 ATTRACTION 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.

Owners of inflatable amusement attractions are required to register their attractions each year with the Commissioner of Labor and Industry and 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	2
Incidents investigated	9
Certificate Inspections	3,887
Other Inspections (Strip-Downs, Preliminary, Assists)	1,325
Total Inspections Performed	5,212

The Amusement Ride Safety Inspection Unit includes a staff of 8 field inspector positions statewide, including one chief position and one supervisor, both of whom also conduct inspections.

There were 5,212 inspections performed throughout the 2023 calendar year. 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.

During normal winter months, when inspection activity decreases, amusement ride inspectors assist the elevator and boiler units by hand-delivering citations that are returned as undeliverable mail and investigating possible building closures and new ownership of property where elevators and boilers exist. Amusement ride inspectors also paired up with elevator inspectors to gain training and experience for potentially assisting in the future.

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 public safety. During the current year the board was presented with recommended adoption of the ASTM-F2970 regulations on Trampolines. Members of the Trampoline Park industry were invited to meetings and were also involved in sub-committee meetings to discuss issues that may be involved with the adoption. After all concerns were addressed, the Amusement Ride Safety Advisory Board voted unanimously in favor of adoption.

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 qualified elevator inspectors (TPQEI) in accordance with the nationally recognized American Society of Mechanical Engineers Safety Code for Elevators and Escalators.

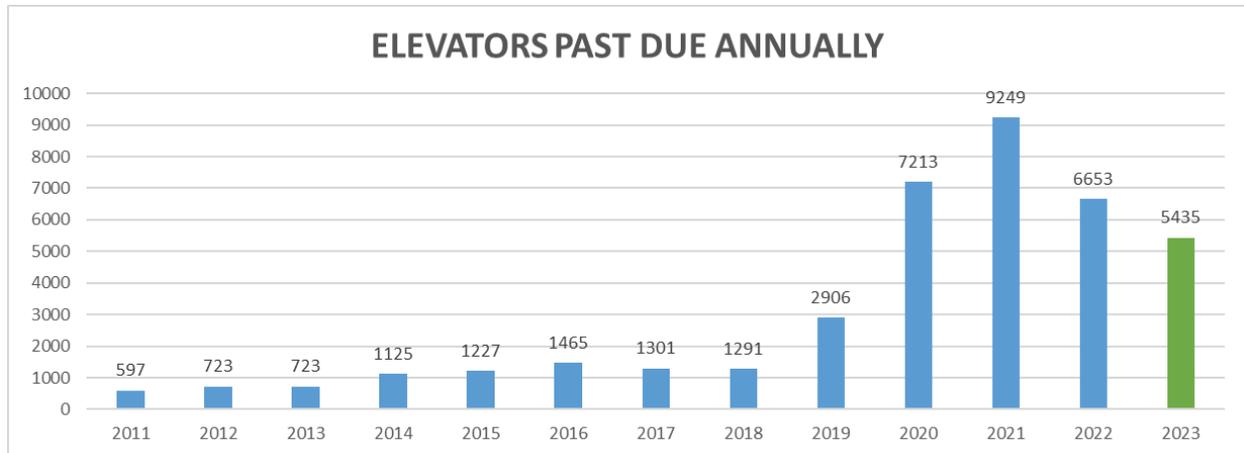
The Commissioner may grant an exception from the requirements of applicable codes when necessary to prevent undue hardship or where existing conditions prevent practical compliance. With proper documentation and where reasonable safety can be secured, the Commissioner considers applications for variance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

The Elevator Safety Inspection unit includes a Chief Elevator Inspector, an Assistant Elevator Chief, Assistant Chief, and 2 regional supervisors who coordinate, train and supervise a staff of 13 field inspector positions statewide, 1 of which was vacant at the end of 2023.

The Elevator Safety law requires owners of elevator units in Maryland to contract with an authorized third-party inspector to perform the annual safety inspections and witness certain types of tests as required by law. An authorized inspector must hold a valid Qualified Elevator Inspector certification issued by a nationally recognized safety organization accredited by the National Commission for Certifying Agencies or the American National Standards Institute. They also shall maintain professional liability insurance and be licensed by the Commissioner of Labor. In 2018, the Elevator Safety law was amended to provide that certain types of inspections would be transferred to third party inspectors during a three year phase in beginning 10/1/2018,

10/1/2019 and 10/1/2020. However, the law was amended again during the 2020 session to delay the requirement from 10/1/20 to 10/1/21 for all elevators in privately owned buildings, except for direct-acting hydraulic elevators which are delayed until 10/1/2022. State inspectors continue to perform final acceptance, alteration, accident, incident, complaint, third party monitoring inspections and reinspection of all these inspection types.

During 2023, Third Party Qualified Elevator Inspectors (TPQEI) continue assisting Maryland elevator owners with 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. Since this joint effort took place, the Elevator Safety Unit has reduced the number of past due elevator units from 7213 at the onset of Covid to 5,435 in 2023. That number spiked quite a bit since 2020 due to the reduction in inspection activity caused by COVID-19 and the declaration of a state of emergency in Maryland at that time.



There are two components to the process that results in the issuance of a certificate of inspection: inspecting equipment (Third Party Qualified Elevator Inspector TPQEI or State Inspector) and testing equipment (Licensed Elevator Mechanic). Inspecting is one component required by elevator code, (A17.1 section 8.11) to be performed by a QEI certified inspector, confirming compliant equipment safety functions. Testing is another separate component required by the elevator code, (A17.1 section 8.11) to be performed by a licensed elevator mechanic. In privately owned buildings, annual testing was able to be “verified” by an authorized TPQEI through documentation during an onsite inspection. Witnessing of the annual test is currently an option in Maryland for privately owned elevator units, depending on the facility owner’s choice, or the authorized/registered TPQEI’s business practice.

Elevator Safety Inspections

		State	QEI
Inspections performed	37,400	5,553	31,847
Elevators Registered	25,106		
Accidents/Incidents investigated			18
Complaints investigated			139

Boards, Councils and Committees

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.

MOSH ADVISORY BOARD

The MOSH Advisory Board, established by Labor & Employment Article, Title 5, Subtitle 3, is composed of eleven voting members drawn from business, labor, government, and the public (see Section 5-303), chosen on the basis of competence and experience in the field of occupational safety and health. The members are appointed by the Commissioner, with the approval of the Secretary, and serve for 6 year terms. The Board's primary responsibility is to assist the Commissioner in developing regulations aimed at protecting worker safety and health. The existence of such a Board is a requirement for all state plans, such as MOSH, under the OSH Act.