

October 1, 2017

The Honorable Senator Edward J. Kasemeyer
Senate Budget and Taxation Committee
3 West, Miller Senate Building
Annapolis, Maryland 21401

The Honorable Delegate Maggie McIntosh
House Appropriations Committee
121 House Office Building
Annapolis, Maryland 21401

Dear Chairmen Kasemeyer and McIntosh,

I respectfully submit the information requested in the 2017 Joint Chairmen's Report regarding the work of Maryland Occupational Safety and Health (MOSH), page 114. With this report, the Department respectfully requests the release of the \$250,000 appropriation under P00A01.01.

If you have any questions, please do not hesitate to contact me. You may also contact Commissioner of Labor and Industry, Matthew Helminiak at (410) 767-2961 or matt.helminiak@maryland.gov or Maria Iannatuono, legislative director at (410) 230-2009 or maria.iannatuono@maryland.gov.

Best Regards,



Kelly M. Schulz
Secretary

KMS/ml

cc: Department of Legislative Services
Office of the Governor
Matthew Helminiak, Commissioner of Labor and Industry for DLLR
Emily Vianna, Department of Budget and Management

Chapter 150 of the 2017 Acts of the Maryland General Assembly requires the Department of Labor, Licensing and Regulation to submit a report on the Employer Standards Service (ESS) unit. Specifically, the report must include

1. a current organizational chart outlining current staff, vacant positions, the hierarchy of the department, and the Spanish-speaking employees;
2. the number of complaints received by the unit, broken down by complaint type, and including minimum wage, overtime violations, wage misclassification, the county they were filed in, and the language the complaint was filed in;
3. the time it takes to process a complaint from intake to closure;
4. the number of complaints that result in investigations and enforcement actions against the company;
5. the number and percent of written complaints that, after filing, are resolved without investigation and any explanation for each decision not to investigate;
6. the criteria for initiating an investigation;
7. an explanation of requirement for complainants to provide a written letter to their employer for unpaid wages; and
8. the outreach activities of the unit including the number and location of outreach events for fiscal years 2012-2017.

The Act also requires the Department to submit a report on Maryland Occupational Safety and Health (MOSH). Specifically, this report must include

1. a current organizational chart outlining the current staff, vacant positions, the hierarchy of the department, and the Spanish-speaking employees;
2. the actions that have been or will be taken to attract new employees and improve retention;
3. the metric used to determine the optimum number of health and safety inspectors;
4. the total number of full-time equivalents dedicated to the Voluntary Protection Program and the number of Voluntary Protection Program site visits conducted;
5. a detailed explanation for the decrease in the number of inspections opened and investigated;
6. a detailed explanation for failing to meet the annual enforcement goals described in the Federal Annual Monitoring and Evaluation Reports and what actions the agency is taking or plans to take to improve performance in order to meet these goals;
7. a detailed explanation for the decline in annual inspections and what actions have been or will be taken to address known or foreseeable challenges to performing inspection and enforcement responsibilities;
8. the procedures used to gather, review, and utilize enforcement data, including geographic location and demographic data, to plan enforcement activities for scheduling and prioritizing programmed inspections, including written documentation of the site-specific targeting program; and
9. the procedures for reviewing and adopting federal Occupational Safety and Health Act directives and standards notices and a list of all directives and standards notices

received, noting the date received, the action taken, and, if rejected, a reason for the rejection for fiscal years 2012-2017.

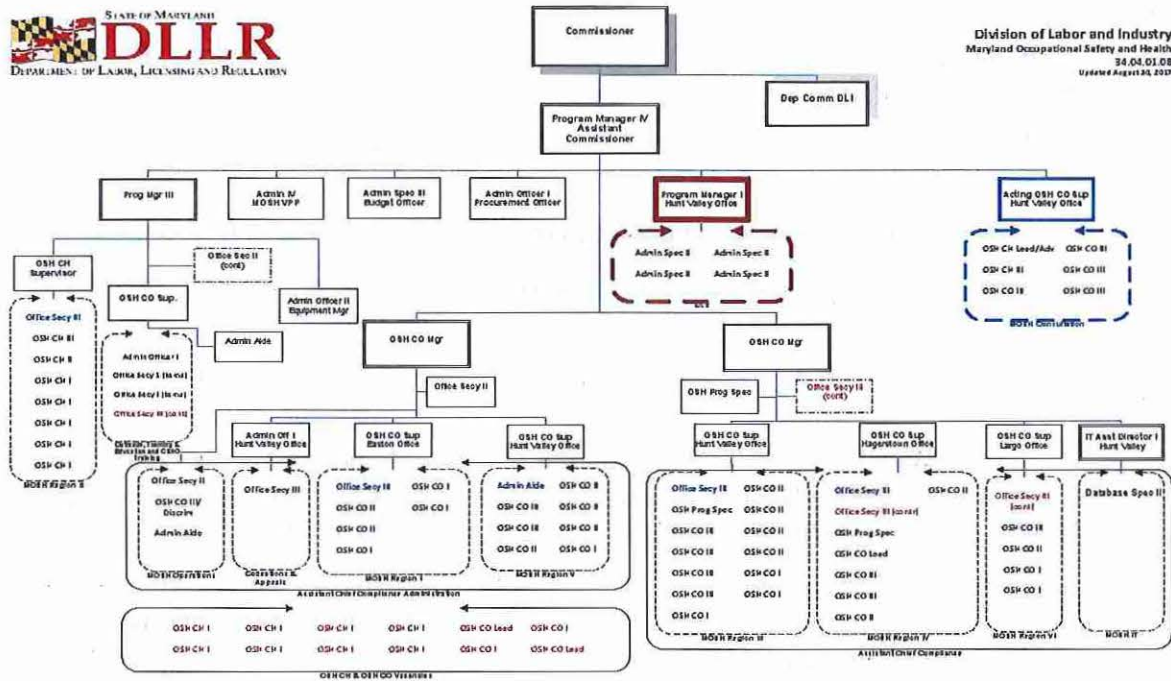
The language restricts \$500,000 pending the receipt of the two reports to be released in the amount of \$250,000 for each report received. The Department of Labor, Licensing and Regulation submits the following data on Maryland Occupational Safety and Health (MOSH).

Maryland Occupational Safety and Health (MOSH) Report

Maryland Occupational Safety and Health (MOSH) improves the safety and health of Maryland's working men and women in both the public and private sectors by providing consultation services, outreach and educational programs; establishing partnerships; setting and enforcing standards; and encouraging continual process improvement in workplace safety and health.

1.) A current organizational chart as of August 2017 outlining current staff, vacant positions, the hierarchy of the department, and notating the Spanish-speaking employees.

The organizational chart below outlines the current MOSH staff, vacant positions, and the hierarchy of the department. There are a total of 88 staff members in MOSH. There are a total of six Spanish-speaking staff members – two members of our outreach team, one industrial hygienist, one compliance officer, one office secretary at MOSH Hunt Valley, and one office secretary in a field office.



2.) The actions that have been or will be taken to attract new employees and improve retention.

The actions that have been or will be taken to attract new employees and improve retention include the active recruitment, hiring, and training of inspector classes as well as opportunities

for advancement, professional certification, and a valuable career path. Recently, more opportunities have been made available for inspectors to train in their field to fill in any perceived skills gap. Through matching federal grant funding, MOSH can provide for inspectors to obtain professional certifications by paying for classes pertaining to the desired certification, sitting fees for testing, and travel to the testing site. The challenge of higher-paying federal and private industry for similar positions will continue to affect retention rates.

3.) *The metric used to determine the optimum number of health and safety inspectors.*

The metric used to determine the optimum number of health and safety inspectors, outlined in 29 CFR§1952.9, was established in the 1980's and continues in effect today, as it does in many other state-plan states. Maryland's staffing benchmarks are set at 36 safety and 18 health compliance officers. As a quick reference, this regulation is included below.

29 CFR §1952.9(c):

Under the terms of the 1978 Court Order in *AFL-CIO v. Marshall*, compliance staffing levels (benchmarks) necessary for a "fully effective" enforcement program were required to be established for each state operating an approved state plan. In September 1984, Maryland, in conjunction with OSHA, completed a reassessment of the levels initially established in 1980 and proposed revised compliance staffing benchmarks of 36 safety and 18 health compliance officers. After opportunity for public comment and service on the AFL-CIO, the assistant secretary approved these revised staffing requirements on July 18, 1985.

4.) *The total number of full-time equivalents dedicated to the Voluntary Protection Program and the number of Voluntary Protection Program [VPP] site visits conducted.*

There is one full-time equivalent employee, a VPP supervisor, assigned to the program. Additional compliance officers are utilized as needed during site visits, as well as the use of Special Government Employees (SGE's) from local employers through a lending program managed by federal OSHA.

In state FY16, the VPP unit awarded six new Star-designated sites with VPP status, six recertification visits in which all sites were approved, and performed 11 pre-application visits. In FY17, one new Star-designated worksite was recognized with VPP status. Five current VPP worksites were re-approved for continuation in the program and five pre-application visits were performed.

Senate Bill 818 Maryland Occupational Safety and Health Act – Voluntary Protection Program was signed into law on May 4, 2017, by Governor Larry Hogan. Maryland is the third state to codify VPP. This legislation ensures VPP will remain available for employers. This partnering program helps Maryland employers and employees achieve the highest levels of workplace safety and health.

5.) *A detailed explanation for the decrease in the number of inspections opened and investigated.*

Inspections were below projected activities due to the decreased number of inspectors through retirements and those leaving the agency for other positions. Additionally, in the spring of 2016, MOSH hired a class of 17 new compliance officers and two industrial hygienists to fill the

vacancies. During the new inspectors' training period, current senior safety compliance officers and industrial hygienists must assist in certain field and enforcement training exercises due to their regulatory and technical nature that cannot otherwise be procured, further affecting the number of inspections conducted. Refer to item 6 below for additional explanation.

6.) A detailed explanation for failing to meet the annual enforcement goals described in the Federal Annual Monitoring and Evaluation Reports [FAME] and what actions the agency is taking or plans to take to improve performance in order to meet these goals.

Included in the FAME are two categories of "annual enforcement goals" evaluated based on a federal fiscal year (October through September). This report contains the exact excerpt from the FAME and, where applicable, DLLR's plans for the agency to improve performance to meet the goal.

The first set of goals are the number of inspections and investigations that are set by MOSH and self-imposed based on staffing levels prior to the start of the grant period.

FAME report excerpt regarding annual enforcement goals:

The number of inspections that MOSH conducted has declined over the past two years. During FY 2015, MOSH conducted 74% of its 1,847 planned inspections. In FY 2016, even though MOSH reduced the total inspection goal by 352, MOSH only conducted 68% of planned inspections. During August 2014, MOSH was staffed with approximately 35.50 safety compliance officers and 12.50 health compliance officers. Between August 15, 2014, and July 1, 2015, MOSH lost approximately 17 members of its enforcement staff, which included nine safety compliance officers and five health compliance officers, as well as three administrative positions. In spring of 2016, MOSH hired a class of 19 new compliance officers who continue to receive both classroom and field training.

DLLR's detailed explanation and agency plan: The annual goals regarding the number of enforcement inspections/investigations are based on a number estimated by MOSH itself with final review by OSHA. At the time the annual goals were set, 88% of inspector positions were filled. Due to attrition, during the performance period only 63% of inspector positions were filled reducing the ability to meet the self-imposed annual goal. Despite these challenges, MOSH was able to complete 1,026 inspections, 68% of the original inspection goal while using resources to hire and train replacement inspectors. MOSH makes anticipated inspection goals based on current staffing and can expect the hiring and retaining of inspection staff to have a positive influence on enforcement goals and performance improvement.

The second set of enforcement goals are the agreed upon performance goals.

FAME report excerpt regarding annual performance goals:

B. Assessment of State Plan Progress in Achieving Annual Performance Goals

This section provides an assessment of MOSH's progress in achieving its annual performance goals. FY 2016 was the fourth year of MOSH's five-year strategic plan which encompasses FY 2013-2017.

Strategic Goal 1: Improve workplace safety and health through compliance assistance and enforcement of occupational safety and health regulations. There are two performance goals under this strategic goal:

- *Performance Goal 1.1 (Total reduction in the fatality rate by 1% [5% by end of federal fiscal year (FFY) 2017]) – MOSH conducted 24 fatality investigations in FY 2015 and 18 fatality investigations in FY 2016, six less than the prior year. MOSH exceeded this goal.*
- *Performance Goal 1.2 (Maintain an overall DART rate of 2.0 per 100 full-time workers) – Even though MOSH did not meet inspection projection goals, the DART rate remained at 1.7 injuries and illnesses per 100 full-time workers. MOSH met this goal.*

Strategic Goal 2: Promote a safety and health culture through cooperative programs, compliance assistance, onsite consultation programs, outreach, training and education, and information services. There are three performance goals under this strategic goal:

- *Performance Goal 2.1 (Add five new recognition programs by end of FFY 2017) – MOSH began FY 2013, which was the first year of the five-year strategic plan, with 17 VPP sites. Since 2013, four sites have withdrawn from the program. MOSH's Voluntary Protection Program (VPP) unit reenergized the program and awarded Star designation to six new sites in FY 2016, which brought the total to 19 active sites. Even though four sites withdrew from the program since FY 2013, MOSH has added more than one new site each year. MOSH met this goal.*
- *Performance Goal 2.2 (Add 15 new cooperative partnerships by the end of FY 2017) – MOSH began FY 2013, which was the first year of the five-year strategic plan, with 63 partnerships. From FY 2013 to FY 2016, MOSH was successful in adding 17 new partnerships, five of which were added in FY 2016, bringing the total partnerships to 80. MOSH exceeded this goal.*
- *Performance Goal 2.3 (Maintain attendance in MOSH outreach and training programs annually at 6,000 participants) – MOSH increased attendance in outreach and training programs by 743 participants, for a total of 6,743. MOSH exceeded this goal.*

Strategic Goal 3: Secure public confidence through excellence in the development and delivery of MOSH programs and services. There are six performance goals under this strategic goal:

- *Performance Goal 3.1 (Percent of fatality and catastrophe inspections initiated within one-working day of notification maintained at least 95%) – MOSH initiated all (100%) of its inspections within one working day of the notification of an occupational fatality. MOSH exceeded this goal.*
- *Performance Goal 3.2 (Initiate serious complaint inspections within an average of five days of notification) – MOSH initiated complaint inspections in 2.90 days and complaint investigations in 2.49 days, meeting this goal. However, due to the handling and processing of complaints, SAMM 1A and 2A may not be an accurate representation of complaint management. (Note: "SAMM" stands for "State Activity Mandated Measures," which references a review document between OSHA and MOSH.)*

DLLR's detailed explanation and agency plan for Goal 3.2: OSHA highlighted a concern with data entry procedures and has since assisted MOSH with retraining staff. The corrective actions taken to resolve the concern will benefit MOSH's data collection going forward.

- *Performance Goal 3.3 (Percent of discrimination complaint investigations completed within 90 days is at least 90%) – MOSH's performance regarding timeliness declined. In FY 2016, MOSH completed investigation of 43% of the whistleblower protection cases within 90 days of receiving the complaint, a decrease from FY 2015 in which 50% of the complaints were closed in 90 days. MOSH did not meet this goal.*

MOSH is currently working on improved monitoring of discrimination investigators' activity for timeliness. This is a difficult goal to meet. Federal OSHA and most state plans do not meet this measure as dependence on timely responses from complainants, employers, and witnesses affect the ability to close these cases within 90 days. On average, MOSH discrimination complaints are completed within 151 days.

- *Performance Goal 3.4 (Percent of polled responses from MOSH website users indicating a positive overall experience established at 90% by 2017) – MOSH continues to work on making their website more user-friendly. An online poll that rates user experience with MOSH's website is still in the developmental stage. In CY 2016, DLLR launched a new website design for all agencies. MOSH added pages for easy access to worker and employer resources, guidance documents, and complaint information. MOSH has also continued to utilize social media by managing a Facebook page and the state of Maryland YouTube page.*
- *Performance Goal 3.5 (90% of responding employers are satisfied with the consultation visit received) – This goal reflects overall satisfaction with services provided by MOSH's consultation program measured by DLLR's external customer service form. All (100%) employer surveys received for MOSH state and local government consultants were rated as excellent. MOSH exceeded this goal. Progress toward this goal for the state plan's private sector consultation program is reported in MOSH's Consultation Annual Performance Report.*

Comment for clarification: MOSH *public sector* consultation must fall under the enforcement program for funding and authority purposes which is why it is included under enforcement goals. The MOSH private sector consultation program goals and outcomes are not enforcement and are funded separately through a cooperative agreement.

- *Performance Goal 3.6 (Provide prompt consultation service) – MOSH acted on consultation requests from state and local government employers within 26 days and within seven days after a consultation visit. MOSH met this goal. Progress toward this goal for the state plan's private sector consultation program is reported in MOSH's Consultation Annual Performance Report.*

Comment for clarification: MOSH public sector consultation must fall under the enforcement program for funding and authority purposes which is why it is included under enforcement goals. The MOSH private sector consultation program goals and outcomes are not enforcement and are funded separately through a cooperative agreement.

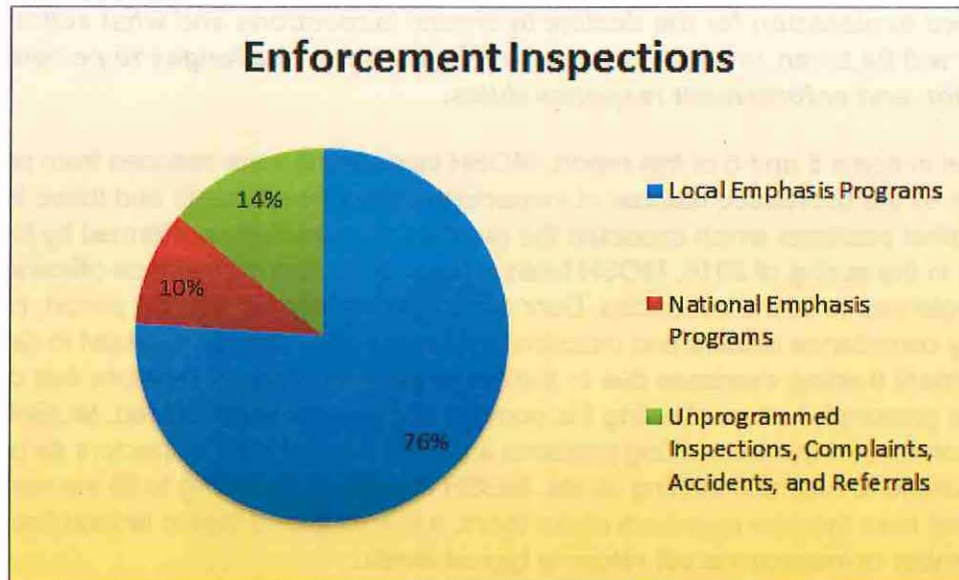
7.) A detailed explanation for the decline in annual inspections and what actions have been or will be taken to address known or foreseeable challenges to performing inspection and enforcement responsibilities.

As discussed in items 5 and 6 of this report, MOSH inspections were reduced from projected activities due to the decreased number of inspectors through retirements and those leaving the agency for other positions which impacted the number of inspections performed by MOSH. Additionally, in the spring of 2016, MOSH hired a class of 19 new compliance officers and industrial hygienists to fill the vacancies. During the new inspectors' training period, current senior safety compliance officers and industrial hygienists were utilized to assist in certain field and enforcement training exercises due to their regulatory and technical nature that cannot otherwise be procured, further affecting the number of inspections conducted. MOSH continues to closely monitor and assess staffing positions and will hire and train inspectors as positions become available to maintain staffing levels. MOSH is actively recruiting to fill the remaining vacancies and train the new members of our team. It is anticipated that in federal fiscal year 2017 the number of inspections will return to typical levels.

8.) The procedures used to gather, review, and utilize enforcement data, including geographic location and demographic data, to plan enforcement activities for scheduling and prioritizing programmed inspections, including written documentation of the site-specific targeting program.

MOSH has several tools available for gathering enforcement data for surveillance activities; the U.S. Bureau of Labor Statistics' (BLS) Survey of Occupational Injuries and Illnesses program is used for programmed inspection activity. The BLS survey is used for identifying high hazard industries in Maryland and nationwide. The BLS survey produces estimates of industry rates and counts of injuries and illnesses through a statistically valid random sampling process that includes all in-scope establishments reporting through Maryland's unemployment insurance tax file. This survey is conducted annually. MOSH also uses employment and establishment information from the U.S. Census Bureau's county business patterns and labor market information from DLLR's Office of Workforce Information and Performance. The resulting information is then queried using the Reference USA database for establishment locations.

Compliance officers continued to focus their efforts on the industries in Maryland with high injury and illness rates. Nearly 800, 76% of the total, of these inspections were conducted under one or more of the state's Local Emphasis Program (LEP) and over 100, 10% of the total, of the inspections were conducted under one or more of the adopted National Emphasis Programs (NEP). Specific written instructions of inspection selection procedures are found at <https://www.dllr.state.md.us/labor/mosh/moshguidance.shtml>.



9.) *The procedures for reviewing and adopting federal Occupational Safety and Health Act directives and standards notice and a list of all directives and standard notices received, noting the date received, the action taken, and if rejected, a reason for the rejection for fiscal 2012 to 2017.*

Upon receipt of a federal directive or standards notice, the MOSH program staff carefully reviews to determine if the directive/standard as written should be adopted, not adopted, or modified. If the notice is a standard change that involves regulatory action, the staff reviews for adoption including proposing any necessary modifications to make the action MOSH specific (i.e., change references from OSHA to MOSH) and typically refers the standard to the Maryland Occupational Safety and Health Advisory Board for input. The Commissioner then promulgates in accordance with Department procedures and pursuant to the Maryland Administrative Procedures Act. If the notice is a directive, which typically involves enforcement procedures, priority scheduling, processes, etc., it is carefully reviewed and considered for adoption or modification. If adopted, a MOSH instruction is created outlining how the directive (including whether the directive is adopted in its entirety or in part) will be utilized. MOSH instructions are posted on the agency's website and are available at <https://www.dlrr.state.md.us/labor/instructions>. MOSH provides notice to OSHA of its action on each directive/standard. Included is a chart that lists the directives and standards notices received from federal OSHA for state fiscal years 2012-2017 with the date received, adoption date, and if not adopted, the reason and current status.

Directive Number	Directive Subject	MI or Standards Notice	ATS Received Date	Adoption date	Comment
CPL 02-00-150	April 2011 Revisions to Field Operations Manual	MI 13-6	4/22/2011	7/19/2013	Completed
CPL 03-00-013	NEP - Primary Metal Industries	MI 13-5	5/19/2011	2/5/2013	Completed

CPL 02-01-052	Enforcement Procedures for Investigating and Inspecting Incidents of Workplace Violence	MI 16-9	9/13/2011	8/23/2016	Completed
CPL 02-11-03	Site-Specific Targeting 2011 (SST-11)	MI 11-8	9/13/2011	10/1/2011	Completed
CPL 02-03-003	Whistleblower Investigations Manual	MI	9/22/2011	Canceled	Superseded, see MI 17-1
CPL 02-01-053	Compliance Policies for Manufacturing, Storage, and Handling of Pyrotechnics	MI 13-3	11/1/2011	2/1/2013	Completed
CPL 03-00-014	NEP - PSM Facilities	MI 13-4	1/3/2012	2/5/25013	Completed
Standard Log Entry Memo - 29 CFR Part - 1910, 1910.102, 1911	Revising Standards Referenced in the Acetylene Standard	Standards Notice 12-5	3/13/2012	5/21/2011	Completed
Standard Log Entry Memo - 29 CFR Part - 1910, 1915, 17, 18, 26	Hazard Communication - Globally Harmonized System for Classification	Standards Notice 13-1	3/22/2012	9/2/2013	Completed
CPL 03-00-016	NEP - Nursing and Residential Care Facilities	MI 13-2	4/6/2012	1/31/2013	Completed
CPL 02-00-153	Communicating OSHA Fatality Inspection Procedures to a Victim's Family	MI 16-10	4/19/2012	8/23/2016	Completed
CPL 02-00-154	Longshoring and Marine Terminals "Tools Sheds" Directive	MI 14-7	8/27/2012	10/1/2013	Completed
CPL 02-03-004	Section 11(c) Appeals Program	MI 17-1	9/13/2012	3/1/2017	Completed
CPL 02-01-054	Inspection and Citation Guidance for Roadway and Highway Construction Work Zones	MI	10/18/2012		Under review, does not affect enforcement of regulations, rather addresses field inspection processes

Standard Log Entry Memo for 20 CFR Part - 1910,15,17,18, 26	Updating OSHA Standard Based on National Consensus Standards; Head Protection	Standards Notice 13-2	12/4/2012	8/5/2013	Completed
CPL 02-13-01	Site Specific Targeting (SST-12)	MI 13-1	1/8/2013	1/23/2013	Completed
Standard Log Entry Memo for 29 CFR Part - 1926	Direct Final Rule - Cranes and Derricks in Construction; Underground Construction and Demolition	Standards Notice	4/25/2013		Did not adopt, current MOSH crane regulations already address
CPL 03-00-017	NEP - Occupational Exposure to Isocyanates	MI 15-10	6/24/2013	4/15/2015	Completed
CPL 02-00-155	Inspection Scheduling for Construction	MI 14-8	9/12/2013	10/1/2013	Completed
CPL 02-01-055	Maritime Cargo Gear Standards and 29 CFR Part 1919 Certification	MI 16-5	10/31/2013	8/23/2016	Completed
CPL 03-02-003	OSHA Strategic Partnership Program for Worker Safety and Health	MI	11/14/2013		MOSH already has partnership programs
CPL 02-14-01	Site Specific Targeting 2014 (SST-14)	MI 13-1	3/4/2014	11/20/2014	Completed
CPL 02-00-157	Shipyard Employment "Tool Bag" Directive	MI 16-16	4/10/2014	8/23/2016	Completed
Standard Log Entry Memo for 29 CFR 1910,1926	Final Rule for Electric Power Generation, Transmission, and Distribution; Electrical Protective Equipment	Standards Notice	4/11/2014		In regulatory adoption process, anticipate proposal to adopt published October 17, 2017, edition of the Maryland Register
Standard Log Entry Memo for 29 CFR 1917,1918	Longshoring and Marine Terminals; Vertical Tandem Lifts - REVISED 4/21/14	Standards Notice	5/2/2014		Under review for applicability (MOSH does not cover longshoring activity)

CPL 02-01-056	Inspection Procedures for Accessing Communication Towers	MI	7/23/2014		Does not affect enforcement of regulations, reviewing for applicability to MOSH inspection procedures
TED 01-00-019	Mandatory Training Program for CSHO	MI 15-11	8/1/2014	5/11/2015	Completed
CPL 02-00-158	Inspection Procedures for the Respiratory Protection Standard	MI 16-4	8/5/2014	8/23/2016	Completed
Standard Log Entry Memo for 29 CFR 1904	Occupational Injury and Illness Recording & Reporting Requirements	Standards Notice	10/14/2014	1/2/2017	Completed
Standard Log Entry Memo for 29 CFR 1926	Cranes and Derricks in Construction - Operator Certification - Final Rule	Standards Notice	10/14/2014		Not adopting, existing MOSH crane regulations already address
CPL 02-01-057	Cranes and Derricks in Construction, 75 FR 47906		10/29/2014		Not adopting, existing MOSH crane regulations already address
CPL 03-00-18	REVISION - National Emphasis Program - Primary Metal Industries	MI 15-8	10/31/2014	12/1/2014	Completed
Standard Log Entry Memo for 29 CFR Part - 1926.1200	Final Rule for Confined Spaces in Construction	Standards Notice	5/6/2015	1/2/2017	Completed
CPL 02-03-005	Whistleblower Investigations Manual	MI 17-1	6/2/2015	3/1/2017	Completed
CPL 02-02-078	Enforcement Procedures and Scheduling for Occupational Exposure to Tuberculosis	MI 16-12	7/14/2015	8/23/2016	Completed

CPL 02-02-079	Inspection Procedures for the Hazard Communication Standard (HCS 2012)	MI 16-3	7/22/2015	8/23/2016	Completed
TED 04-01-002	OSHA Alliance Program		8/12/2015		Under review
CPL 03-00-019	National Emphasis Program on Amputations	MI	8/24/2015		Not adopting, conflicts with MOSH Field Operations Manual and procedures for inspection scheduling
TED 03-01-004	Special Government Employee Program Policies and Procedures Manual for the OSHA's VPP Program		8/25/2015		Under review to incorporate into new VPP legislation recently adopted in Maryland; anticipate a newer version from OSHA soon
CPL 02-03-006	Alternative Dispute Resolution for Whistleblower Protection Program	MI	10/13/2015		Adoption is not required, under review
TED 01-00-020	Mandatory Training Program for OSHA Whistleblower Investigators		10/15/2015		Under review, typically OSHA and MOSH staff attend same training courses
CPL 02-00-159	Field Operations Manual	MI	11/6/2015		Under review, anticipating revised FOM from OSHA to be issued soon
CSP 02-00-003	Consultation Policies and Procedures Manual	MI	1/22/2016		To be adopted, in review process
CPL 02-03-007	Whistleblower Investigations Manual	MI 17-1	3/11/2016	3/1/2017	Completed
CPL 03-00-020	NEP on Shipbreaking	MI	3/15/2016		Under review for applicability as MOSH does not cover maritime activity under longshoring

Standard Log Entry Memo for 29 CFR Part - 1910, 1915, 1926	Final Rule for Occupational Exposure to Respirable Crystalline Silica	Standards Notice	4/18/2016		Under legal challenge by employer associations for feasibility, monitoring for final action
Standard Log Entry Memo for 29 CFR Part - 1902, 1904	Final Rule to Improve Tracking of Workplace Injuries and Illness	Standards Notice	6/14/2016		Currently under a federal enforcement delay nationwide and OSHA reopened federal rulemaking comment period until December 2017, monitoring for final action
Standard Log Entry Memo for 29 CFR Part - 1902, 1903	Interim Final Rule on Maximum Penalty Increases	Standards Notice	1/19/2017		Currently challenged by state plan association for authority and compliance with Administrative Procedures Act, adoption will not change typical penalties, monitoring for nationwide resolution
CPL 02-00-160	Field Operations Manual	MI	8/2/2016		Under review, anticipating revised FOM from OSHA to be issued soon
Standard Log Entry Memo for 29 CFR 1910	Walking-Working Surfaces	Standards Notice	11/21/2016		In regulatory adoption process, anticipate proposal to adopt published October 17, 2017, edition of the Maryland Register
Standard Log Entry Memo for 29 CFR 1903	Maximum Penalty Cap Increase	Standards Notice	1/19/2017		Currently challenged by state plan association for authority and compliance with Administrative Procedures Act, adoption will not change typical penalties, monitoring for nationwide resolution

CPL 02-01-058	Enforcement and Scheduling for Workplace Violence	MI	1/23/2017		In review process to evaluate scheduling procedures with current MOSH targeting system
Standard Log Entry Memo for 29 CFR 1910, 1917, 1926	Final Rule on Beryllium	Standards Notice	1/12/2017		Under a Federal enforcement delay nationwide while industry legal challenges are resolved in court, monitoring for final action