

Letter of Support

HB 244 - Maryland Occupational Safety and Health Act - Civil Penalties - Alterations

Summary:

HB244 grants Maryland's Occupational Health and Safety plan (MOSH) the ability to issue penalties up to the same amounts as the federal Occupational Safety and Health Administration (OSHA) and to follow the penalty adjustments made annually by OSHA. MOSH receives federal funding and operates with federal oversight, and this change is necessary to ensure that our State program remains "at least as effective as" OSHA, as is required under federal law. MOSH's penalties were last adjusted by the General Assembly in 1991.

Background:

Maryland is one of only 16 states that has a fully approved Final State occupational health and safety plan. Maryland's plan (MOSH) covers both private and public sector employers throughout Maryland. Under Labor & Employment Article, § 5-809, MOSH has the authority to cite and to impose penalties on private sector employers that fail to comply with health and safety standards. Certain minimum and all maximum penalty amounts are set by § 5-810.

Following the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, federal OSHA adjusted its penalty amounts based on the historical Consumer Price Index (CPI) for all urban consumers and continues to adjust these amounts annually by the CPI. MOSH's maximum penalties, set forth in Labor & Employment Article, § 5-810, were last adjusted in 1991.

For several years, OSHA in its annual Federal Annual Monitoring Evaluation has noted that MOSH has not adopted the increased penalty maximums and willful minimum penalty amounts and their subsequent annual CPI adjustment.

In order to meet the requirement that MOSH remains "at least as effective as" OSHA, MOSH must have the ability to issue penalties up to the same amounts that OSHA does and follow the maximum penalty adjustments each year based on the CPI.

Effect:

HB244 will adjust all MOSH penalty maximum amounts (and the minimum penalty for willful violations) to be consistent with OSHA. OSHA is aware of this legislation and is monitoring its passage.

The Department respectfully requests a **favorable report** by the Committee on HB 244.