

HB 244_AFSCME3_FAV.pdf

Uploaded by: Denise Gilmore

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Patrick Moran – President

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

**Finance Committee
March 19, 2024**

FAVORABLE

AFSCME Council 3 supports HB 244. This bill increases the civil penalty amount under the Labor and Employment Code. In the Code, civil penalties can be assessed if there is a serious violation where there is a substantial probability that death or serious physical harm could result from the condition that exists. An employer generally must act willfully or have repeated violations to be assessed a penalty. Employers can also be assessed fines for not correcting a violation within a specified time.

HB 244 is good legislation that brings Maryland's civil penalty rates to more appropriate levels for the year 2024. The cost of labor, healthcare, and everything else is going up, it makes sense that the penalties for employers who willfully place their employees in harm's way to go up as well.

We request a favorable recommendation on HB 244.

HB 244_FINAL MDL_Support.pdf

Uploaded by: Devki Virk

Position: FAV

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.

HB 0244 - Maryland Occupational Safety and Health

Uploaded by: Danna Blum

Position: UNF



January 26, 2024

Economic Matters Committee
The Honorable Delegate C. T. Wilson
Room 231
House Office Building
Annapolis, Maryland 21401

HB 0244 - Maryland Occupational Safety and Health Act - Civil Penalties - Alterations - **Oppose**

Dear Delegate Wilson:

This bill will alter civil penalties for violations of the Maryland Occupational Safety and Health Act by raising and annually increasing the maximum and minimum civil penalties charged to employers found to have violated MOSH regulations.

The initial increase more than doubles current penalties. It seems that this is meant to be more punitive than corrective in nature. We fail to see how relying on penalties rather than education and corrective action will improve workplace safety.

The Carroll County Chamber of Commerce, a business advocacy organization of nearly 700 members, opposes this bill and therefore requests that you give it an unfavorable report.

Sincerely,

A handwritten signature in black ink that reads 'Mike McMullin'.

Mike McMullin
President
Carroll County Chamber of Commerce

Cc: Senator Justin Ready
Delegate April Rose