

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulation  
Maryland Department of Labor**  
(DLS Control No. 20-077)

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**Overview and Legal and Fiscal Impact**

The regulation adopts through incorporation by reference the federal standard 29 CFR 1910.1024, Beryllium, as amended. The regulation also makes conforming changes and updates the cited statutory authority.

The regulation presents no legal issues of concern.

There is no fiscal impact on State or local agencies.

**Regulation of COMAR Affected**

**Maryland Department of Labor:**

Division of Labor and Industry: Maryland Occupational Safety and Health Act –  
Incorporation by Reference of Federal Standards: COMAR 09.12.31.J-1

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**Legal Analysis**

**Background**

29 CFR 1910.1024, Beryllium, as amended, was issued to prevent chronic beryllium disease and lung cancer in workers by limiting their exposure to beryllium and beryllium compounds in general industry. This rule establishes a new, lower permissible exposure limit for beryllium of 0.2 µg/m<sup>3</sup>, averaged over 8-hours and a new short-term exposure limit for beryllium of 2.0 µg/m<sup>3</sup>, over a 15-minute sampling period. This rule also requires employers to use engineering and work practice controls (such as ventilation or enclosure) to limit worker exposure to beryllium; provide respirators when controls cannot adequately limit exposure; limit worker access to high-exposure areas; develop a written exposure control plan; and train workers on beryllium hazards. Additionally, this rule requires employers to make available medical exams to monitor exposed workers and provides medical removal protection to workers identified with a beryllium-related disease. These requirements apply to employers whose workers are exposed to beryllium through operations, including beryllium metal and ceramic production, non-ferrous foundries, and fabrication of beryllium alloy products.

## **Summary of Regulation**

The regulation adopts through incorporation by reference the standard under 29 CFR 1910.1024, Beryllium, as amended. The regulation also makes conforming changes and updates the cited statutory authority.

## **Legal Issues**

The regulation presents no legal issues of concern.

## **Statutory Authority and Legislative Intent**

The Department of Labor, Licensing, and Regulation cites §§ 2-106(b)(5), 5-309(a)(1), and 5-312(b) of the Labor and Employment Article as authority for the regulation. Section 2-106(b)(5) authorizes the Commissioner of the Labor Industry to adopt regulations that are necessary to carry out Title 5, Occupational Safety and Health, of the Labor and Employment Article. Section 5-309(a)(1) requires the Occupational Safety and Health Advisory Board to propose or recommend occupational safety and health standards that are or will be at least as effective in providing safe and healthful employment and places of employment as any standard adopted under the federal Occupational Safety and Health Act of 1970. 29 CFR 1910.1024 was promulgated by the federal Occupational Safety and Health Administration. Additionally, if the commissioner decides to adopt proposed regulations submitted from the board, § 5-312(b) requires the commissioner to initiate the process of publishing and issuing the proposed regulation within a certain period of time.

The cited authority is correct and complete. The regulation complies with the legislative intent of the law.

## **Fiscal Analysis**

There is no fiscal impact on State or local agencies.

## **Agency Estimate of Projected Fiscal Impact**

The department advises that the regulation has no impact on State or local governments. The Department of Legislative Services concurs.

## **Impact on Budget**

There is no impact on the State operating or capital budget.

## **Agency Estimate of Projected Small Business Impact**

The department advises that the regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs. There are no known employers who utilize beryllium who are not already complying with the federal requirements issued in 2017.

### **Contact Information**

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