

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulations  
Department of Labor, Licensing, and Regulation  
(DLS Control No. 16-146)**

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**Overview and Legal and Fiscal Impact**

These regulations amend certain State crane safety and compliance standards that incorporate by reference corresponding federal standards relating to rigging operations. The amendments are corrective in nature. The regulations also clarify the scope of State safety standards for special lifts and tower cranes.

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

**Regulations of COMAR Affected**

**Department of Labor, Licensing, and Regulation:**

Division of Labor and Industry: Crane Safety: COMAR 09.12.26.04, .10-.11

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**Legal Analysis**

**Background**

The Maryland Occupational Safety and Health (MOSH) Act provides job safety and health protection for workers in the State through the promotion of safe and healthful working conditions. The Division of Labor and Industry within the Department of Labor, Licensing, and Regulation (department) administers the MOSH program. In addition to enforcing the State MOSH law, the department enforces various safety standards that are established by the federal Occupational Safety and Health Administration.

**Summary of Regulations**

Existing regulation .04 under COMAR 09.12.26 Crane Safety incorporates by reference much of the federal safety standard for cranes and derricks in construction, while retaining portions of the State standard that address riggers and compliance requirements. Proposed Regulation .04 repeals certain language that substitutes the defined State terms “master/lead rigger” and “level II rigger” for the federal terminology, effectively defaulting to the federal terminology in those instances. The department noted that the terms are not interchangeable. The regulations also repeal the State requirement that a “qualified person” record and maintain certain compliance

documentation. The repeal of this requirement conforms the regulation to the corresponding federal standard.

As amended, Regulations .10 and .11 clarify that the State standards relating to special lifts and tower cranes apply only to “rigging operations”.

### **Legal Issues**

The regulations present no legal issues of concern.

### **Statutory Authority and Legislative Intent**

The department cites §§ 2-106(b)(4), 5-104, and 5-312 of the Labor and Employment Article as authority for the regulations. Section 2-106(b)(4) authorizes the Commissioner of Labor and Industry to adopt regulations necessary to carry out the Occupational Safety and Health Title of the Labor and Employment Article. Section 5-104 outlines the general duties of an employer and employee under the Occupational Safety and Health Title. More specifically, subsection (b) requires each employer to comply with regulations adopted by the commissioner. Section 5-312 sets certain requirements for the commissioner to adopt proposed regulations, including compliance with the Administrative Procedure Act.

This authority is correct and complete. The regulations comply with the legislative intent of the law.

### **Technical Corrections and Special Notes**

The Statement of Purpose failed to reference the repeal of a compliance requirement in Regulation .04B(16) relating to tower construction and plumb tolerance. The department agreed to amend the Statement of Purpose to correct this error.

### **Fiscal Analysis**

There is no fiscal impact on State or local agencies.

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

The regulations clarify the requirements for riggers of cranes when used in construction and demolition. The department advises that the regulations have no impact on State or local governments because the regulations simply clarify adoptive language regarding federal crane regulations. 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 regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

### **Contact Information**

**Legal Analysis:** Charity L. Scott – (410) 946/(301) 970-5350

**Fiscal Analysis:** Heather N. Ruby – (410) 946/(301) 970-5510