

Testimony of Scott Schneider, IH, in Support of HB 244

My name is Scott Schneider. I am a 40 year resident of Silver Spring, MD. I have worked as an industrial hygienist for over 40 years and recently retired from the Laborers' Health and Safety Fund of North America as their Director of Occupational Safety and Health. I am submitting this testimony in support of HB 244 which will increase penalties for violations of the Maryland Occupational Safety and Health Act.

This bill is long overdue. Federal law requires State OSHA programs to be "at least as effective as" Federal OSHA (OSH Act of 1970 section 18 c). This requirement includes having standards that are at least as effective as the Federal ones. State programs have 6 months after Federal OSHA promulgates a standard to adopt that standard or an equivalent one. But they also must have an enforcement effort that is at least as effective. That means having a comparable workforce (e.g. number of inspectors) but also equivalent penalties.

Congress passed a law in 2015 increasing OSHA penalties to allow them to catch up with inflation from previous years and to increase each year with inflation. Starting January 16, 2024, OSHA's maximum penalties for serious and other-than-serious violations increased from \$15,625 per violation to \$16,131 per violation. The maximum penalty for willful or repeated violations increased from \$156,259 per violation to \$161,323 per violation. Maryland OSHA must adopt penalties that are equal or greater than these maximums to be at least as effective as Federal OSHA. For the past 8 years, Maryland has been out of compliance. A quick look at the data shows how serious the problem has been. In 2021, the average penalty assessed by Maryland OSHA for serious violations was \$865 compared with the average Federal penalty of \$3,225. For fatalities, the average penalty was \$3,616 in Maryland verses \$16,024 for Federal OSHA. Even the new penalty maximums may not be enough to deter many employers who can easily absorb the costs and may see it as a "cost of doing business," but it is still a substantial improvement.

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