

**FY 2020 Follow-up
Federal Annual Monitoring Evaluation (FAME) Report**

Maryland Occupational Safety and Health (MOSH) Program



Evaluation Period: October 1, 2019 – September 30, 2020

Initial Approval Date: July 15, 1973
State Plan Certification Date: February 15, 1980
Final Approval Date: July 18, 1985

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I. Executive Summary

The purpose of this Federal Annual Monitoring Evaluation (FAME) report is to assess the Maryland Occupational Safety and Health (MOSH) program's performance during Fiscal Year (FY) 2020, and its progress in resolving the three outstanding findings identified during previous FAMEs.

MOSH continued to operate during the COVID-19 pandemic, protecting over 2.5 million workers in nearly 175,000 establishments in the state of Maryland. In late March 2020, Governor Hogan announced that all non-essential businesses in Maryland be closed. Although COVID-19 impacted MOSH's programmatic functions with statewide quarantine and social distancing mandates, over 1,000 inspections were still conducted.

During the FY 2020 evaluation period, MOSH did not complete any previous findings but made progress to address late Federal Program Change (FPC) standards. Although significantly late, MOSH adopted the Final Rule on Beryllium Standard and the Final Rule on the Standards Improvement Project - Phase IV on April 23, 2021. In 2019, MOSH attempted to pass new legislation to permit adoption of FPCs within six months of OSHA promulgation when there is a delay in OSHA enforcement, but was not successful. This issue remains unresolved.

In FY 2019, it was found that MOSH did not validate and process 43% of electronic complaints alleging serious hazards. In FY 2020, MOSH took steps to update and streamline the entire complaint process. The complaint validation process will be reviewed during the next on-site visit. The related finding remains open. The third finding related to whistleblower complaints will be evaluated during the next comprehensive FAME cycle.

MOSH documented the majority of the electronic complaints alleging serious hazards in FY 2020 and the related observation was closed. State and Local Government (SLG) workplace inspection goals were not met in FY 2020. During the FY, MOSH adjusted its goals in response to COVID-19 so the associated observation will be reevaluated in FY 2021. The observation identifying that 70% of informal conferences were conducted past the 15 day contest date identified in FY 2019 will also be reevaluated in FY 2021 due to the need to conduct a case file review.

Overall, MOSH continues to maintain a dialog with OSHA, and is usually willing to schedule impromptu meetings to address questions, concerns, and provide clarification when needed. Over the performance period, OSHA and MOSH frequently discussed jurisdictional and coverage issues of private sector employers at federal facilities. OSHA and MOSH are discussing methods for developing a more efficient, streamlined referral process at these locations and expect this to be implemented in FY 2021.

II. State Plan Background

The Maryland Department of Labor (MDOL), Division of Labor and Industry (DLI), is the state agency designated by the governor to administer the MOSH program. The Maryland State Plan was initially approved on July 5, 1973, pursuant to Section 18 of the Occupational Safety and Health (OSH) Act. The State Plan was certified on February 15, 1980 and granted State Plan final approval on July 18, 1985.

MOSH operates under the authority of the MOSH Act, Labor and Employment Article, Section 5-101 through 5-901. MOSH operated under the guidance of Tiffany P. Robinson, secretary of the MDOL. Matthew Helminiak served as Commissioner of DLI and Michael Stracka served as the Assistant Commissioner of MOSH. MDOL is headquartered in Baltimore and consists of MOSH representatives stationed in different regional and field offices located in Hunt Valley, Easton, Hagerstown, and Upper Marlboro.

MOSH is the agency responsible for ensuring that employers provide Maryland workers with workplaces free from recognized safety and health hazards. MOSH covers over 2.5 million workers and nearly 175,000 employers in the state of Maryland. MOSH's Compliance Services Unit conducts occupational safety and health inspections for all SLG workplaces, and private sector places of employment in the state of Maryland. However, MOSH does not inspect places of employment which fall under OSHA's jurisdiction. OSHA's jurisdiction includes federal workers, the United States Postal Service, private sector maritime activities (shipyard employment, marine terminals, and longshoring), and U.S. military bases. Additionally, MOSH's Outreach Unit provides free training and education; and manages its cooperative programs. MOSH also provides free consultation services through its consultation program.

MOSH operates a private sector on-site consultation project under Section 21(d) and an SLG consultation project under Section 23(g) of the OSH Act of 1970. MOSH's Discrimination Unit investigates whistleblower complaints made by workers who feel that they have been retaliated against by their employer for making a safety and health complaint or exercising other protected activity. The Research and Statistic Unit provides MOSH with statistical data on occupational fatal and nonfatal workplace injuries and illnesses. Industries covered by MOSH include a combination of agricultural, manufacturing, construction, transportation, and trade and service industries. Similar to OSHA, MOSH has selected certain high hazard industries on which to focus its safety and health activities through the implementation of emphasis programs.

As a State Plan, MOSH has the authority to promulgate standards and regulations which maybe more stringent than OSHA's standards. MOSH has multiple standards and regulations which differ from the federal program including, but not limited to: High Voltage Lines (Title 6), Fall Protection in Steel Erection (Code of MD Regulations (COMAR) 09.12.25), and Tree Care and Removal (COMAR 09.12.28). MOSH also made amendments to OSHA standards that are more stringent than OSHA's such as: Occupational Exposure to Formaldehyde (29 CFR 1910.1048), Lead in Construction Work (29 CFR 1926.62), Excavations (Requirements for Protective Systems (29 CFR 1926.652), and Steel Erection (29 CFR 1926, Subpart R).

New Issues

Complaint About State Program Administration (CASPA)

In October 2020, OSHA received a CASPA related to MOSH's handling of COVID-19 complaints. OSHA began its investigation in November 2020. In the spring of 2021, OSHA concluded its investigation which did not result in any findings or recommendations.

Maximum Penalties

In accordance with the Bipartisan Budget Bill passed on November 2, 2015, OSHA published a rule on July 1, 2016, raising its maximum penalties. As required by law, OSHA then increased maximum penalties annually, most recently on January 8, 2021, according to the Consumer Price Index (CPI). State Plans are required to adopt both the initial increase and subsequent annual increases within the corresponding six-month timeframe set by regulation. December 2020 marked four years since the first deadline passed for adoption and the MOSH State Plan has not yet completed the legislative changes to increase maximum penalties.

II. Assessment of State Plan Progress and Performance

A. Data and Methodology

OSHA established a two-year cycle for the FAME process. This is the follow-up year and as such, OSHA did not conduct an on-site evaluation and case file review. This strategy allows the State Plan to focus on correcting deficiencies identified in the most recent comprehensive FAME. The analyses and conclusions described in this report are based on information obtained from a variety of monitoring sources, including:

- State Activity Mandated Measures Report (Appendix D)
- State Information Report
- Mandated Activities Report for Consultation
- State OSHA Annual Report (Appendix E)
- State Plan Annual Performance Plan
- State Plan Grant Application
- Quarterly monitoring meetings between OSHA and the MOSH Program

B. Findings and Observations

There were no new findings or observations identified during the FY 2020 FAME. Three findings and two observations will be continued until OSHA can conduct an on-site case file review. One observation was closed.

Completed Findings

No findings were completed in FY 2020.

Continued Findings

Finding FY 2020-01 (Finding FY 2019-01): Federal Program Changes (FPCs)
MOSH did not take action on FPCs within the required timeframes.

Status: MOSH made progress in the adoption of federal standards but continues to be delinquent in its adoption of multiple FPC guidance documents; therefore, this finding remains open. Although significantly late, in 2021 MOSH adopted the Final Rule on Beryllium Standard and the Final Rule on the Standards Improvement Project - Phase IV. MOSH does not intend to adopt the Interim Final Rule on Maximum Penalty Increase and therefore will not be adopting any Annual Adjustment to Civil Penalties for Inflation. The status of FY 2020 and FPCs described in the FY 2019 FAME report are presented in the tables below:

Status of FY 2020 and Previously Delinquent Federal Program Change (FPC) Adoption						
FPC Directive/Subject	Response Due Date	State Plan Response Date	Intent to Adopt	Adopt Identical	Adoption Due Date	State Plan Adoption Date
<i>Equivalency Required</i>						
Inspection Procedures for Respirable Crystalline Silica Standards CPL 02- 02-080) (06/25/2020)	8/24/2020	2/17/2021	Yes	No	12/24/2020	Not Yet Adopted
Field Operations manual (FOM) CPL 02-00-164 (04/14/2020)	6/13/2020	2/17/2021	Yes	No	10/14/2020	Not Yet Adopted
Respirable Crystalline Silica NEP CPL 03-00-023 (02/04/2020)	4/4/2020	2/17/2021	Yes	No	8/5/2020	Not Yet Adopted
National Emphasis Program on Amputations in Manufacturing Industries CPL 03-00-022 (12/10/2019)	2/10/2020	8/14/2020	Yes	Yes	6/10/2020	Not Yet Adopted
Whistleblower Investigations Manual CPL 02-03-007 (1/28/2016)	4/27/2016	4/10/2017	Yes	Yes	8/28/2016	Not Yet Adopted

Status of FY 2020 and Previously Delinquent Federal Program Change (FPC) Adoption						
Mandatory Training Program for OSHA Whistleblower Investigators TED 01-00-020 (10/08/2015)	12/8/2015	No Response	No Response	No Response	4/8/2016	No Response
OSHA Strategic Partnership for Worker Safety and Health CPL 03-02-003 (11/6/2013)	1/14/2014	No Response	No Response	No Response	5/6/2015	No Response

Status of FY 2020 and Previously Delinquent Federal Program Change (FPC) Adoption						
FPC Directive/Subject	Response Due Date	State Plan Response Date	Intent to Adopt	Adopt Identical	Adoption Due Date	State Plan Adoption Date
<i>Adoption Encouraged</i>						
Electronic Case File System Procedures for the Whistleblower Protection Program CPL 02-03- 009 (6/18/2020)	8/18/2020	2/17/2021	No	No	N/A	N/A
Voluntary Protection Programs Policies and Procedures Manual CSP 03-01-005 (1/30/2020)	3/30/2020	2/17/2021	Yes	Yes	N/A	N/A

Finding FY 2020-02 (Finding FY 2019-02): Serious Hazard Complaint Validation and Processing Procedures

MOSH did not validate and process 43% of electronic complaints from former employees and other complainants alleging serious hazards.

Status: In FY 2019, it was found that MOSH did not validate and process 43% of electronic complaints. In FY 2020, MOSH took steps to update and streamline the entire complaint process. The complaint validation process will be reviewed during the next on-site visit. This finding remains open.

Finding FY 2020-03 (Finding FY 2020-03): Whistleblower Complaints

MOSH did not generate an associated UPA or inspection for whistleblower complaints in six of 14 (43%) whistleblower complaints alleging serious safety and health concerns.

Status: OSHA will conduct an on-site case review in FY 2021 to evaluate the status of this finding. This finding remains open.

New FY 2020 Findings

There were no new findings identified in FY 2020.

Closed FY 2019 Observations

FY 2019-OB-02: *(Serious Hazard Complaint Documentation/OSHA Information System [OIS])*

MOSH did not document 37 of 169 (22%) of electronic complaints alleging serious hazards.

Status: The FY 2020 electronic complaint review revealed that MOSH did not document five of 122 (4%) of electronic complaints alleging serious hazards. The Assistant Commissioner addressed complaint entry procedures. MOSH made significant improvement documenting electronic complaints alleging serious hazards. This observation was closed.

Continued FY 2019 Observations

FY 2020-OB-01 (FY 2019-OB-01): *State and Local Government (SLG) Workplace Inspection Goals*

MOSH conducted 67 of 1,042 (6.4%) inspections in SLG workplaces – 19 less than its anticipated goal of 8.3%.

Status: Due to the impact of COVID-19, the MOSH program adjusted its goals to best serve the working population during FY 2020. Therefore, OSHA will reevaluate this observation in FY 2021. This observation is continued.

FY 2020-OB-02 (FY 2019-OB-03): *Informal Conferences*

In 70% of the case files reviewed, MOSH held informal conferences beyond the 15-working day contest period, and has not developed or implemented a policy ensuring that employers abate serious hazards when informal conferences were scheduled and held beyond the 15-working contest period.

Status: OSHA will conduct an on-site case review in FY 2021 to reevaluate this observation. This observation remains open.

New FY 2020 Observations

There were no new observations identified in FY 2020.

C. State Activity Mandated Measures (SAMM) Highlights

Each SAMM report has an agreed-upon Federal Review Level (FRL) which can be either a

single number or a range of numbers above and below the national average. State Plan SAMM data that falls outside the FRL triggers a closer look at the underlying performance of the mandatory activity. Appendix D presents the MOSH program's FY 2020 SAMM Report and includes the FRL for each measure. The MOSH program was outside the FRL on the following SAMMs:

SAMM #5 – Average number of violations per inspection with violations by violation type:

Discussion of State Plan data and FRL: The FRL for the average number of violations per inspection is +/- 20% of the three-year national average of 1.79 for serious/willful/repeat (S/W/R) violations which provides a range of 1.43 to 2.15. MOSH's S/W/R average is 2.55 violations. The FRL for other-than-serious (OTS) violations is +/- 20% of the three-year national average of 0.95 which provides a range of 0.76 to 1.14. MOSH's OTS average is 1.68.

Explanation: Historically, MOSH issues more S/W/R and OTS violations than the three-year national average. FY 2020 was no exception. Previous on-site case reviews indicate that MOSH compliance staff receives training to recognize and document hazards in the field.

SAMM #6 – Percent of total inspections in state and local government workplaces:

Discussion of State Plan data and FRL: The FRL for the percent of total inspections in SLG workplaces is +/- 5% of the negotiated value of 7.31% which provides a range from 7.89% to 8.72%. MOSH conducted 6.43% of its total inspection in SLG workplaces in FY 2020 – falling just below the FRL.

Explanation: MOSH received a significant number of COVID-19 related complaints during FY 2020 and continuously shifted its goals in response to the most pressing concerns. MOSH did not meet this goal and it will be reevaluated in FY 2021. See observation FY 2020-OB-01.

SAMM#7 – Planned vs. actual inspections (safety/health):

Discussion of State Plan data and FRL: The FRL for planned v. actual inspections is +/- 5% of the negotiated 2,148 safety inspections which provides a range of 2,040.60 to 2,255.40 inspections, and 187 health inspections which provides a range of 177.65 to 196.35 inspections. MOSH conducted 937 safety inspections and 105 health inspection in FY 2020 – falling below the FRL for both.

Explanation: Due to COVID-19, MOSH continuously reevaluated its enforcement activities in response to COVID-19. In consideration of MOSH's response to COVID-19 and the impact on the MOSH program, this did not rise to the level of an observation.

SAMM #8 – Average current serious penalty in private sector:

Discussion of State Plan data and FRL: The FRL for average current serious penalty in private sector is based on a three-year national average and is separated into five categories based on the number of workers at the site. MOSH's average current serious penalty in relation to the FRL is provided in the table below:

Average Current Serious Penalty in Private Sector Workplaces			
SAMM #8	MOSH Penalty	FRL	Notes
Average current serious penalty in private sector – total (1 to greater than 250 workers)	\$756.98	+/- 25% of \$2,964.86	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$2,223.65 to \$3,706.08.
Average current serious penalty in private sector (1-25 workers)	\$634.00	+/- 25% of \$1,967.64	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$1,475.73 to \$2,459.55.
Average current serious penalty in private sector (26-100 workers)	\$963.90	+/- 25% of \$3,513.45	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$2,635.09 to \$4,391.81.
Average current serious penalty in private sector (101-250 workers)	\$1,420.83	+/- 25% of \$5,027.02	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$3,770.27 to \$6,283.78.
Average current serious penalty in private sector (greater than 250 workers)	\$1,777.28	+/- 25% of \$6,190.91	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$4,643.18 to \$7,738.64.

Explanation: In accordance with the Bipartisan Budget Bill passed on November 2, 2015, OSHA published a rule on July 1, 2016, raising its maximum penalties. As required by law, OSHA then increased maximum penalties annually according to the Consumer Price Index (CPI). MOSH does not intend to adopt the Interim Final Rule on Maximum Penalty Increase and therefore will not be adopting any Annual Adjustment to Civil Penalties for Inflation.

SAMM #9 – Percent in-compliance:

Discussion of State Plan data and FRL: The FRL for percent in-compliance is +/-20% of the three-year national average of 31.03% for safety which provides a range of 24.82% to 37.24%. The FRL for percent in-compliance is +/-20% of the three-year national average of 37.15% for health which provides a range of 29.72% to 44.58%. The FY 2020 data shows that MOSH’s in-compliance rate for safety was 17.54% which was lower than the FRL and 32.89% for health which was within the FRL.

Explanation: Historically, MOSH percent in-compliance rates have been lower than or well within the FRL. As discussed under SAMM #5, previous case file reviews have indicated that MOSH staff is well trained in recognizing and documenting hazards when in the field.

SAMM #10 – Percent of work-related fatalities responded to in one workday:

Discussion of State Plan data and FRL: The FRL for percent of work-related fatalities responded to in one workday is fixed at 100% for all State Plans. The FY 2020 data indicates that MOSH conducted 73.08% of its fatality inspections in one workday. The SAMM report indicates that seven of the 26 fatality inspections were not able to be conducted in one workday.

Explanation: The seven fatalities that were not responded to within one workday were COVID-19 related. Once MOSH determined that the fatality was work-related, the associated inspection was opened within one workday. Due to the unique challenges presented by COVID-19, this did not rise to the level of an observation.

SAMM #11 – Average lapse time:

Discussion of State Plan data and FRL: The FRL for average lapse time is +/- 20% of the three-year national average of 50.58 days for safety, which provides a range of 40.46 to 60.70 days and +/- 20% of the three-year national average of 60.39 days for health, which provides a range of 48.31 to 72.47 days. MOSH average safety lapse time is 52.08 days which is within the FRL and 92.94 days for health which is outside the FRL.

Explanation: Health lapse time outside of the FRL may be attributed to remote work due to the COVID-19 pandemic. MOSH also developed a revised case file review process designed to improve the review process and the quality of the casefiles. Considering the unique circumstances, OSHA will not make this an observation at this time. This will be reassessed during the next FAME.

SAMM #12 – Percent penalty retained:

Discussion of State Plan data and FRL: The FRL for percent penalty retained is +/- 15% of the three-year national average of 67.51%, which provides for a range of 57.38% to 77.64%. During FY 2020, MOSH retained 83.14 percent of penalty, significantly more than the FRL.

Explanation: Historically, MOSH has retained more penalty than three-year national average and strives to maintain issued violations. Previous case file reviews revealed that MOSH staff is trained to document hazards well.

SAMM #13 – Percent of initial inspections with worker walk around representation or worker interview:

Discussion of State Plan data and FRL: The FRL for percent of initial inspections with worker walkaround representation or worker interview is fixed at 100% for all State Plans. The FY 2020 data indicates that MOSH included a worker representative or conducted a worker interview for 99.90% of inspections conducted. Only one case did not include worker representation.

Explanation: It was determined that the one case that did not include worker representation was due to a data entry error. This error has been corrected.

SAMM #14 – Percent of 11(c) investigations completed within 90 days:

Discussion of State Plan data and FRL: The FRL for percent of 11(c) investigations completed within 90 days is fixed at 100% for all State Plans. MOSH conducted 36% of its 11(c) investigations within 90 days.

Explanation: MOSH received a significant increase in 11(c) complaints due to COVID-19. MOSH found 21% of its 11(c) complaints to be meritorious, more than the three-year national average. Considering the unanticipated increase in workload, as well as the percentage of

meritorious cases, OSHA will not make this an observation at this time. This will be reassessed during the next FAME.

SAMM #16 – Average number of calendar days to complete an 11(c) investigation:

Discussion of State Plan data and FRL: The FRL for average number of calendar days to complete an 11(c) investigation is fixed at 90 for all State Plans. MOSH completed its 11(c) investigations in an average of 108 days.

Explanation: Based on the data available for all State Plans and the increased workload due to COVID-19, OSHA will not make this an observation at this time. This will be reassessed during the next FAME.

Appendix A – New and Continued Findings and Recommendations
 FY 2020 Maryland Occupational Safety and Health Program Follow-Up FAME Report

FY 2020-#	Finding	Recommendation	FY 2019-#
FY 2020-01	<i>Federal Program Changes</i> MOSH did not take action on Federal Program Changes (FPCs) within the required timeframes.	MOSH should develop a strategy that ensures action is taken on FPCs within the required timeframes.	FY 2019-01
FY 2020-02	<i>Serious Hazard Complaint Validation and Processing Procedures</i> MOSH did not validate and process at least 43% of electronic complaints from former employees and other complainant alleging serious hazards.	MOSH should develop a strategy to ensure that all complaint allegations covered by MOSH are addressed.	FY 2019-02
FY 2020-03	<i>Whistleblower Complaints</i> MOSH did not generate an associated UPA or inspection for whistleblower complaints in six of 14 (43%) whistleblower complaints alleging serious safety and health concerns.	MOSH should develop a strategy ensuring that a safety and/or health investigation or inspection is conducted in accordance with MOSH policies and procedures when a whistleblower complainant alleges a safety and health concern.	FY 2019-03

Appendix B – Observations and Federal Monitoring Plans

FY 2020 Maryland Occupational Safety and Health Program Follow-Up FAME Report

Observation # FY 2020-OB-#	FY 2019-#	Observation	Federal Monitoring Plan	Current Status
FY 2020-OB-01	FY 2019-OB-01	<p><i>State and Local Government (SLG) Workplace Inspection Goals</i></p> <p>MOSH conducted 67 of 1,042 (6.4%) inspections in SLG workplaces – 19 less than its anticipated goal of 8.3%</p>	In FY 2020, OSHA will continue to monitor MOSH’s activities in state and local government workplaces, emphasizing the percent of inspections conducted in state and local government workplaces each quarter.	Continued
FY 2019-OB-02	FY 2019-OB-03	<p><i>Informal Conferences</i></p> <p>In 70% of the case files reviewed, MOSH held informal conferences beyond the 15 working day contest period, and has not developed or implemented a policy ensuring that employers abate serious hazards when informal conferences were scheduled and held beyond the 15 working day contest period.</p>	In FY 2020, OSHA will monitor the number of cases with informal conferences held significantly beyond the 15 working day contest period to determine the effect on abatement verification.	Continued

Appendix C - Status of FY 2019 Findings and Recommendations

FY 2020 Maryland Occupational Safety and Health Follow-up FAME Report

FY 2019-#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status
FY 2019-01	<p><i>Federal Program Changes</i> MOSH did not take action on Federal Program Changes (FPCs) within the required timeframes.</p>	MOSH should develop a strategy that ensures action is taken on FPCs within the required timeframes.	MOSH is planning to reintroduce legislation that will allow for adoption of federal standards in accordance with 29 CFR 1953.5(a)(1) when adopting by reference. MOSH is working to adopt overdue federal program changes unrelated to standards (directives).	Not Applicable	Open (March 15, 2020)
FY 2019-02	<p><i>Serious Hazard Complaint Validation and Processing Procedures</i> MOSH did not validate and process at least 72 of 169 (43%) electronic complaints from former employees and other complainants alleging serious hazards.</p>	MOSH should adhere to the non-formal complaint processing procedures and requirements set forth in the Field Operations Manual (FOM), and develop a strategy to ensure that all complaints alleging serious hazards are addressed.	MOSH developed a strategy to ensure that all valid, serious electronic complaints, with the exception of complaints from former employees and other non-employees, are addressed with the employer in a timely manner. All complaints are acknowledged the same day they are received. Additional training for operations staff and written policies were distributed on April 10, 2019.	Not Applicable	Open (March 15, 2020)
FY 2019-03	<p><i>Whistleblower Complaints</i> MOSH did not generate an associated UPA or inspection for whistleblower complaints in six of 14 (43%) whistleblower complaints alleging serious safety and health concerns.</p>	MOSH should develop a strategy ensuring that a safety and/or health investigation or inspection is conducted in accordance with MOSH policies and procedures when a whistleblower complainant alleges a safety and health concern.	MOSH had developed a new whistleblower intake and evaluation procedure to ensure that all whistleblower complaints are considered for safety and health activity when appropriate.	Not Applicable	Open (March 15, 2020)

Appendix D - FY 2020 State Activity Mandated Measures (SAMM) Report

FY 2020 Maryland Occupational Safety and Health Program Follow-Up FAME Report

U.S. Department of Labor				
Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)				
State Plan: Maryland – MOSH			FY 2020	
SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
1a	Average number of work days to initiate complaint inspections (state formula)	3.90	5	The further review level is negotiated by OSHA and the State Plan.
1b	Average number of work days to initiate complaint inspections (federal formula)	2.63	N/A	This measure is for informational purposes only and is not a mandated measure.
2a	Average number of work days to initiate complaint investigations (state formula)	1.84	3	The further review level is negotiated by OSHA and the State Plan.
2b	Average number of work days to initiate complaint investigations (federal formula)	0.07	N/A	This measure is for informational purposes only and is not a mandated measure.
3	Percent of complaints and referrals responded to within one workday (imminent danger)	100%	100%	The further review level is fixed for all State Plans.
4	Number of denials where entry not obtained	0	0	The further review level is fixed for all State Plans.
5	Average number of violations per inspection with violations by violation type	SWRU: 2.55	+/- 20% of SWRU: 1.79	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 1.43 to 2.15 for SWRU and from 0.76 to 1.14 for OTS.
		Other: 1.68	+/- 20% of Other: 0.95	

Appendix D - FY 2020 State Activity Mandated Measures (SAMM) Report

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SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
6	Percent of total inspections instate and local government workplaces	6.43%	+/- 5% of 8.31%	The further review level is based on a number negotiated by OSHA and the State Plan through the grant application. The range of acceptable data not requiring further review is from 7.89% to 8.72%.
7	Planned v. actual inspections –safety/health	S: 937	+/- 5% of S: 2,148	The further review level is based on a number negotiated by OSHA and the State Plan through the grant application. The range of acceptable data not requiring further review is from 2,040.60 to 2,255.40 for safety and from 177.65 to 196.35 for health.
		H: 105	+/- 5% of H: 187	
8	Average current serious penalty in private sector - total (1 to greater than 250 workers)	\$756.98	+/- 25% of \$2,964.86	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$2,223.65 to \$3,706.08.
	a. Average current serious penalty in private sector (1-25 workers)	\$634.00	+/- 25% of \$1,967.64	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$1,475.73 to \$2,459.55.
	b. Average current serious penalty in private sector (26-100 workers)	\$963.90	+/- 25% of \$3,513.45	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$2,635.09 to \$4,391.81.
	c. Average current serious penalty in private sector (101-250 workers)	\$1,420.83	+/- 25% of \$5,027.02	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$3,770.27 to \$6,283.78.
	d. Average current serious penalty in private sector (greater than 250 workers)	\$1,777.28	+/- 25% of \$6,190.91	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$4,643.18 to \$7,738.64.
9	Percent in compliance	S: 17.54%	+/- 20% of S: 31.03%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 24.82% to 37.24% for safety and from 29.72% to 44.58% for health.
		H: 32.89%	+/- 20% of H: 37.15%	

Appendix D - FY 2020 State Activity Mandated Measures (SAMM) Report

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SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
10	Percent of work-related fatalities responded to in one workday	73.08%	100%	The further review level is fixed for all State Plans.
11	Average lapse time	S: 52.08	+/- 20% of S: 50.58	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 40.46 to 60.70 for safety and from 48.31 to 72.47 for health.
		H: 92.94	+/- 20% of H: 60.39	
12	Percent penalty retained	83.14%	+/- 15% of 67.51%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 57.38% to 77.64%.
13	Percent of initial inspections with worker walk around representation or worker interview	99.90%	100%	The further review level is fixed for all State Plans.
14	Percent of 11(c) investigations completed within 90 days	36%	100%	The further review level is fixed for all State Plans.
15	Percent of 11(c) complaints that are meritorious	21%	+/- 20% of 18%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 14.40% to 21.60%.
16	Average number of calendar days to complete an 11(c) investigation	108	90	The further review level is fixed for all State Plans.
17	Percent of enforcement presence	0.99%	+/- 25% of 1.09%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 0.82% to 1.36%.

NOTE: The national averages in this report are three-year rolling averages. Unless otherwise noted, the data contained in this Appendix D is pulled from the State Activity Mandated Measures (SAMM) Report in OIS and the State Plan WebIMIS report run on November 9, 2020, as part of OSHA's official end-of-year data run

SOAR - State OSHA Annual Report: Maryland Occupational Safety and Health Compliance Annual Report for Fiscal Year 2020

December 2020



Larry Hogan, Governor
Tiffany Robinson, Secretary
Matthew Helminiak, Commissioner

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APPENDIX A: Summary of Annual Performance Plan Goals for MOSH FY20

APPENDIX B: Performance and Activity Results

Section 1: Year in Review

Executive Summary

During Fiscal Year 2020 (FY20), Maryland Occupational Safety and Health (MOSH) faced an unprecedented pandemic from the SARS-CoV-2 virus beginning in early March 2020. The SARS-CoV-2 virus that causes the COVID-19 disease is a highly infectious virus transmitted primarily through respiratory droplets. This pandemic spread across the nation at an astonishing rate impacting all areas of daily life in each state. The state of Maryland took proactive measures immediately to respond to COVID-19 following the Governor's Executive Orders. These orders leveraged the local county health departments to enforce the Governor's Executive Orders, while MOSH responded enforcing all applicable safety and health standards to ensure employees were protected. MOSH received historic levels of inquiries, complaints, and general questions related to COVID-19. While responding to this pandemic, MOSH staff rapidly established new protocols and procedures, utilized new forms of technology, and applied strong teamwork to protect workers in Maryland. MOSH was able to successfully maintain an effective enforcement program, despite the operational challenges posed by the pandemic, while meeting or exceeding most mandated measures of the FY20 grant year.

MOSH FY20 Overview:

- 937 safety inspections identifying 3,747 hazards
 - 105 health inspections identifying 513 hazards
 - 1 VPP Star recognition was awarded
 - 3 construction companies were awarded Strategic Partnership for Excellence in Construction Safety (SPECS) Level 2 Partner Contractor status
 - The Training and Education unit offered 36 educational seminars across Maryland covering 23 topics at no cost to the participants
-

Instructions and Standards Notices

MOSH adopted the culmination of final rules modifying 29 CFR 1904, Subpart E, Reporting Fatality, Injury and Illness Information to the Government, requiring electronic submission of data by certain employers. Additionally, the adoptive action also amended the regulation to reduce and consolidate pages of outdated adoptive language. The adoption took effect on September 7, 2020.

The adoption of the federal final rules for the Standards Improvement Project (SIP) IV and the Occupational Exposure to Beryllium standards were published in the Maryland Register on December 4, 2020 and will close for comment on January 4, 2021.

- The Occupational Exposure to Beryllium standards are designed to prevent chronic beryllium disease and lung cancer in workers by limiting their exposure to beryllium and beryllium compounds in general industry, construction, and shipyards.
- The SIP IV project focuses on removing or revising outdated, duplicative, unnecessary, and inconsistent requirements in safety and health standards, which will permit better compliance by employers and reduce paperwork burdens without reducing employee protections.

There were no new MOSH Instructions issued in FY20. All current MOSH Instructions and Standard Notices are available online at:

- <http://labor.maryland.gov/labor/instructions/>
- <http://labor.maryland.gov/labor/standards/>

Staff Training

During FY20, MOSH brought two OSHA Training Institute (OTI) courses to the Hunt Valley, Maryland office: Electrical Standards and Inspection Techniques and Legal Aspects. Due to COVID-19, all out of state travel was cancelled and some OTI classes were cancelled with limited topics changed to virtual training. MOSH staff were able to use the OSHA OTI Course Mill platform to facilitate some online training.

As Maryland Occupational Safety and Health (MOSH) adjusted to telework and remote activities during the pandemic, so did investigations, meetings and training opportunities become virtual. With the aid of the Google Suite MOSH was able to conduct inspections, hold conferences, and provide training for employees and employers virtually. Training videos for COVID safety targeted to MOSH employees were recorded and uploaded to Google Drive, where viewers could watch the videos remotely as their schedules allowed. An interactive Google Doc was provided along with the video to allow for questions and answers to be posted in real-time for everyone to see.

Organizational Changes

During FY20, MOSH added one new industrial hygienist, two safety compliance officers, and one member of management retired.

Section 2: Unit Review

Enforcement

According to the OSHA derived State Activity Mandated Measures (SAMM) report, MOSH Compliance Officers opened 1,042 enforcement inspections in FY20, including 937 safety inspections and 105 health inspections. MOSH had projected 2,335 inspections would be conducted; however in early March, the COVID-19 pandemic began to interrupt jobsites and work practices in profound ways. What was once thought to be a multi-week slowdown led to multiple months of interrupted service. As a result, enforcement activities were severely curbed due to these uncertainties. Despite this unprecedented situation, MOSH enforcement was able to maintain a presence by altering work practices to find innovative ways to investigate complaints, utilizing our emphasis programs to stay involved with industries that remained active, and holding employers accountable to identified hazards in settlement negotiations by promoting enhanced abatement practices.

Compliance officers continued to focus their efforts on the Maryland industries that have high injury and illness rates. Of the 1,042 enforcement inspections, 877 (84%) were conducted under one or more of the state's Local Emphasis Programs (LEP), and 97 (9%) of the inspections were conducted under one or more of the adopted National Emphasis Programs (NEP). MOSH compliance officers investigated approximately 105 accidents, a decrease of 32 from FY19. According to the SAMM issued by federal OSHA, MOSH investigated 28 workplace fatalities; 21 were opened within one day of notification. These seven outlier fatality investigations were COVID related, requiring additional time to ascertain work-relatedness. Once work-relatedness was determined, each case was opened within 24 hours.

For the third consecutive year, there were no instances where a Compliance Officer did not gain entry to a facility after an employer originally denied the inspection.

End-of-year SAMM data shows MOSH initiated complaint inspections, on average, in 3.90 days, which is within the five-day requirement. Complaint investigations were initiated within an average of 1.84 days.

Per SAMM Measure 5, MOSH Compliance Officers and Industrial Hygienists averaged 2.55 serious, willful, or repeat violations and 1.68 other-than-serious violations per case, for a total average of 4.23 violations per case file.

MOSH's average penalty per serious violation was \$756.98. MOSH issued an average penalty of \$634.00 per serious citation for employers with 25 employees or fewer, \$963.90 for employers between 26 and 100 employees, \$1,420.83 for employers between 101 and 250, and \$1,777.28 for employers with over 250 employees. MOSH will continue to follow its Field Operations Manual (FOM) and applicable policies regarding penalty levels.

Based on the most recent U.S. Bureau of Labor Statistics results for reference year 2019, 41 states, 3 U.S territories, and the District of Columbia, all had publishable state-specific data. Maryland's private sector total recordable case incidence rate was 2.6 injuries and illnesses per 100 full-time equivalent (FTE) workers. By contrast, the U.S. private sector's rate was 2.8. Significance testing shows that the difference between these two rates is statistically significant. Maryland's total recordable incident rate is 7% below the U.S private sector average.

SAMM Measure 9 shows there were 844 safety inspections completed, with 17.54% in compliance. There were also 76 health inspections completed with 32.89% of them in compliance.

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FY 2020 Maryland Occupational Safety and Health Program Follow-up FAME Report

According to MOSH documentation, 78% of health inspections in FY20 were unprogrammed, and 39% were complaint driven. Just under 7% of all MOSH inspections were completed in the public sector. MOSH continued to use an LEP to help focus on public sector establishments. While MOSH recognizes that this number is still below our projected goal for public sector inspections, it is an area where recent focus has created a significant increase over past fiscal years. This focus will continue to increase the public sector inspection numbers going forward, allowing MOSH to better reach its goal.

Lapse time (number of days from the inspection open date to the citation issuance date) increased for both safety and health. As the FY19 class of trainees began to write their own cases, the number of reviews and time spent on each case increased as they learned the process. During FY20, safety inspections averaged 52 days and health inspections averaged 93 days. The slight increases in these metrics from historical averages reflect added time in processing, vetting, and approving casefiles while the majority of the staff was working remotely, due to the pandemic and closure of state buildings. Additionally, MOSH developed a series of quality control reviews aimed at improving the review process and the quality of the casefiles. This was extremely successful as gains were seen in the quality of the final product and communication between management and staff.

Special Note:

Through the hard work and dedication of the MOSH Region II Industrial Hygiene staff, MOSH was able to provide vital educational resources to employees, employers, and the public on key COVID-19 topics. One example was the MOSH Fact Sheet April 2020 COVID-19 Facemasks vs. Respirators: Understanding the Difference. This fact sheet allowed for an efficient explanation to commonly asked questions regarding different types of facial coverings.

This fact sheet can be found at: <http://labor.maryland.gov/labor/mosh/moshfacemask.pdf>

Case Highlights- Enforcement

Scissor Lift Fatality

In March 2020, one employee and a contractor working from a scissor lift at an automobile storage facility in Baltimore, MD were verifying serial numbers on new WiFi data access ports when their lift tipped over. The employee and contractor were in the process of extending the lift to approximately 16-feet above asphalt at the time of the incident. The employee operating the lift died from their injuries and the contractor was hospitalized. MOSH found the lift was supplied by the employer in an overall condition contrary to what the manufacturer required for safe use. The employer did not obtain the owner's manual for this lift which required the use of foam-filled tires and set a maximum load capacity. The lift was instead equipped with 2-ply air filled tubeless trailer tires and was overloaded; both causal factors that lead to overall instability of this lift. Additionally, MOSH found the stabilizer bar was not fully extended and pinned, the top rail and mid rail were below required heights, and the employee had not received training on the safe operations of the lift. Citations were recommended for each of these deficiencies.



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Well Drilling & Fall Protection

In October 2019, a septic company used a truck-mounted drilling rig to drill four dry well holes that were 8 feet in diameter and 57 feet deep. While drilling the holes, the cutting bucket head raised up and out of the hole to remove dirt. An employee was positioned on two 2"x6" boards that were nailed together located directly across the edge of the hole while he controlled the bucket release and hoist cable mechanisms. The employee was not protected from falling into the well hole. MOSH issued citations for the lack of fall protection and failure to guard moving gears, sprockets, and chains located on the drilling rig.



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Anhydrous Ammonia & Process Safety Management

In March 2020, MOSH inspected a facility that manufactures and distributes ice to the greater Baltimore Metropolitan Area. The facility utilizes a refrigeration process with 14,000 pounds of anhydrous ammonia, a known highly hazardous chemical (HHC), above the threshold quantity of 10,000 pounds allowing the Process Safety Management (PSM) of Highly Hazardous Chemical standard to apply. This inspection found the employer did develop a regional safety and health management team that audits each site on a prescribed schedule; however, there was no employee at each site formally trained in safety and health to ensure regionally developed programs were adequately implemented. Through exhaustive program review, this common discrepancy was continually found, site operations did not match regionally developed programs allowing for significant gaps in safety. MOSH issued citations for violations found in PSM, Fall Protection, PPE, Electrical, Fire Extinguisher, Access/Egress, Abrasive Grinding, and Machine Guarding. MOSH was able to successfully settle this case, achieve enhanced abatement, and close the matter to ensure employees are protected from all hazards.



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Special Note:

MOSH was notified in April 2020, by an anonymous source, regarding a building under construction in Annapolis, MD where the large, structural concrete piers supporting the building were allegedly compromised and failing under the building's weight. Through the nonformal complaint process, a diligent review of the information supplied regarding these concerns, MOSH was able to verify the concrete piers were in fact failing. MOSH immediately contacted the employer and worked with their Regional Safety and Health team located in Beaver Dam, Wisconsin. Upon being notified by MOSH, the employer shut down the entire jobsite and removed all employees from the building. Management officials of the company immediately flew from Wisconsin to Maryland to evaluate the structural integrity of the building. The employer took immediate action bracing and shoring the building from potential collapse. Through the effective usage of the nonformal complaint process, no employees were injured and the building did not suffer collapse.



Discrimination

The MOSH Discrimination Unit for FY20 experienced success through the effective work completed by their investigators. The unit leveraged the investigative ability of tenured staff, while also welcoming a new investigator. MOSH was able to complete case files in an average of 108 calendar days and found 21% of cases meritorious. For the meritorious discrimination complaints, MOSH was able to collect back pay wages totaling approximately \$50,000, secured offers for rehire, repayment for credentials, and/or neutral reference letters. To ensure this success continues for the next fiscal year the unit is currently cross training another investigator.

Consultation- Public Sector

In early March, the COVID-19 pandemic began to interrupt jobsites and work practices. What was once thought to be a multi-week slowdown led to multiple months of interrupted service. As a result, visit requests and employer interactions were curbed due to these uncertainties. MOSH Consultation utilized virtual visits, answered technical questions, and reached out to employers to be a ready resource. MOSH Consultation achieved 70% of its visit goal and maintained an operational presence in Maryland work sites.

MOSH had one public sector safety consultant in 23(g) for FY20. There was a brief interval when the established safety consultant left MOSH for another agency. The position was quickly filled by a 21d lead consultant. When there are specific health concerns on a public sector site, one of the health consultants from the 21(d) program will temporarily transfer to the 23(g) program and perform the health visit.

There were 38 public sector visits conducted; 33 safety and 5 health-related. The goal of 61 total visits was not met as a result of limited requests due to the COVID-19 pandemic. Consultation supported the Outreach unit by providing consultants to fulfill speaker and seminar presentation requests. All of the public sector requests for service were fulfilled in a timely manner and employer surveys received by the Consultation unit rated the public sector consultant's service as "excellent."

Outreach

MOSH continues to use and update the Cooperative Partnership webpages to help users to easily find information pertaining to specific cooperative programs such as Alliances, Strategic Partnerships (CCP, SPECS), VPP, and SHARP. A "Find a Cooperative Program" webpage was also added to aid employers in determining the right type of cooperative program for their business.

The Focus Four campaign provided over 16 weeks of toolbox talks to employers via booklets provided during inspections and seminars. The Safe and Sound Kick-Off Event provided classroom and hands-on learning activities such as examples of safety training using Virtual Reality. This year's safe and sound event once again attracted positive attention from OSHA's National Office who requested specific information that could be used as a model for other states who might like to emulate the presentation.

More information regarding the Focus Four Campaign can be found at:

- <http://labor.maryland.gov/labor/mosh/moshffb.shtml>

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Cooperative Compliance Partnerships (CCP)

The Cooperative Compliance Partnership Program is currently going through reorganization. During this reorganization, two new partnerships were signed in FY20 with various general contractors throughout the state of Maryland. The estimated value of these projects totaled over \$165M. Several new applications are currently going through the review process and are likely to become new partnerships in FY2021.

The following CCP sites were active in FY20:

Active CCP Sites FY20	
<i>Company</i>	<i>Location</i>
Barton Malow	Morgan State Student Services
Wagman Heavy Civil	I-270 at Watkins Mill Road Interchange
Clark Construction Company	University of Maryland Medical System Capital Region Medical Center
The Whiting-Turner Contracting Company	Easton Elementary School

Voluntary Protection Program (VPP) - Star Only

The VPP unit awarded one new site with Star-designated status, one site re-approval, and received two applications in FY20. The unit also performed 12 pre-application in-person and virtual visits and continues to work with each company. The VPP program manager attended virtual monthly Region III and quarterly OSHA VPP Manager meetings in FY20. A Special Government Employee (SGE) training course scheduled at the NSA Museum in Laurel was cancelled due to restrictions for in person training. Maryland VPP continues to support the OSHA and VPPA SGE program by using SGEs as evaluators, mentors, and to review applications and annual submissions.

Active VPP Sites FY20		
<i>Approval Date</i>	<i>STAR Designated Site</i>	<i>Location</i>
11/5/2005	Performance Pipe	Hagerstown
3/3/2006	Covanta Energy	Dickerson

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11/27/2006	Monsanto Galena Research Station	Galena
3/12/2007	Wheelabrator	Baltimore
6/17/2008	Sherwin Williams	Crisfield
5/25/2009	Clean Harbors Environmental Services	Baltimore
6/18/2009	Thermo Fisher Scientific	Frederick
8/15/2011	Covanta Montgomery Transfer Station	Derwood
3/12/2012	(Raytheon) Solipsys Corp	Fulton
10/31/2015	Cintas Corporation 42	Baltimore
12/29/2015	Sherwin Williams	Baltimore
3/4/2016	Cintas Corporation 387	Frederick
3/4/2016	Cintas Corporation 41	Landover
5/5/2016	Cintas Corporation 393	Hughesville
5/9/2016	Raytheon IIS Riverdale	Riverdale
2/2/2018	Cintas Corporation D52 Fire Protection Division	Jessup
4/2/2018	Cintas Corporation 386	Cumberland
4/2/2018	Cintas Corporation B22 (CRT)	Cumberland
3/26/2019	NuStar Terminal Baltimore	Baltimore
12/18/2019	USALCO, LLC	Baltimore

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Strategic Partnership for Excellence in Construction Safety (SPECS)

The Strategic Partnership for Excellence in Construction Safety (SPECS) is a strategic partnership agreement signed with Associated Builders and Contractors, Inc., (ABC). Three construction companies were recognized as level 2 Partner Contractor: Scaffold Resources, LLC; Forrester Construction Company; and James G. Davis Construction Corp. in FY20. Two contractors were in the evaluation process and three others were approved and were scheduled for signing events in the first quarter of FY21.

Special Note:

One of the outstanding best practices common to several of the participants was to provide corporate education and training centers for continued education and professional development for their employees, specialty contractors, and clients. Davis Construction, at the request of their employees, developed a corporate knowledge center (CKC) that designs, manages, and delivers education opportunities for their employees. They used a variety of educational tools, including Davis-taught courses, external seminars and webinars, external conferences, tuition reimbursement, LEED® exam study sessions, intranet-based Resource Center (sortable by trade and expertise), and CKC Library. The courses ranged from basic scheduling techniques and OSHA 30-Hour, to cost and document management and multi-level courses. Many employees regularly taught classes and/or were students participating in the Davis University Partnership Program.

Active SPECS Partner Contractors FY20	
<i>Company</i>	<i>Location</i>
Coakley-Williams Construction Inc.	Bethesda
Forrester Construction Company	Rockville
Scaffold Resource, LLC	Lanham
Miller & Long Concrete Construction	Bethesda
Gilbane Building Company	Baltimore
Manganaro Midatlantic, LLC	Beltsville
James G. Davis Construction Corp	Rockville

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Education Unit

In FY20, the Training and Education Unit offered 36 educational seminars covering 23 topics at no cost to the participants, including many federal employees and contractors. Most of the seminars were taught by MOSH compliance officers and consultants and were offered at locations throughout the state. Just over 681 employees and employers participated in the half-day and full-day seminars. MOSH also offered employers the opportunity to request speaking engagements where compliance officers gave presentations on relevant, technical safety, and health topics. In FY20, 35 different employers, institutions, and government agencies requested a MOSH compliance officer to speak at their job site. MOSH speakers spent over 45 hours presenting various safety and health topics to over 2,038 employees. MOSH continues to consider teen safety to be an important topic to cover with high school students who are preparing to enter the workforce. Each year MOSH completes numerous speaker requests at various high schools throughout the state. In FY20, MOSH spent over 14 hours speaking to 429 students at 9 different events about workplace hazards.

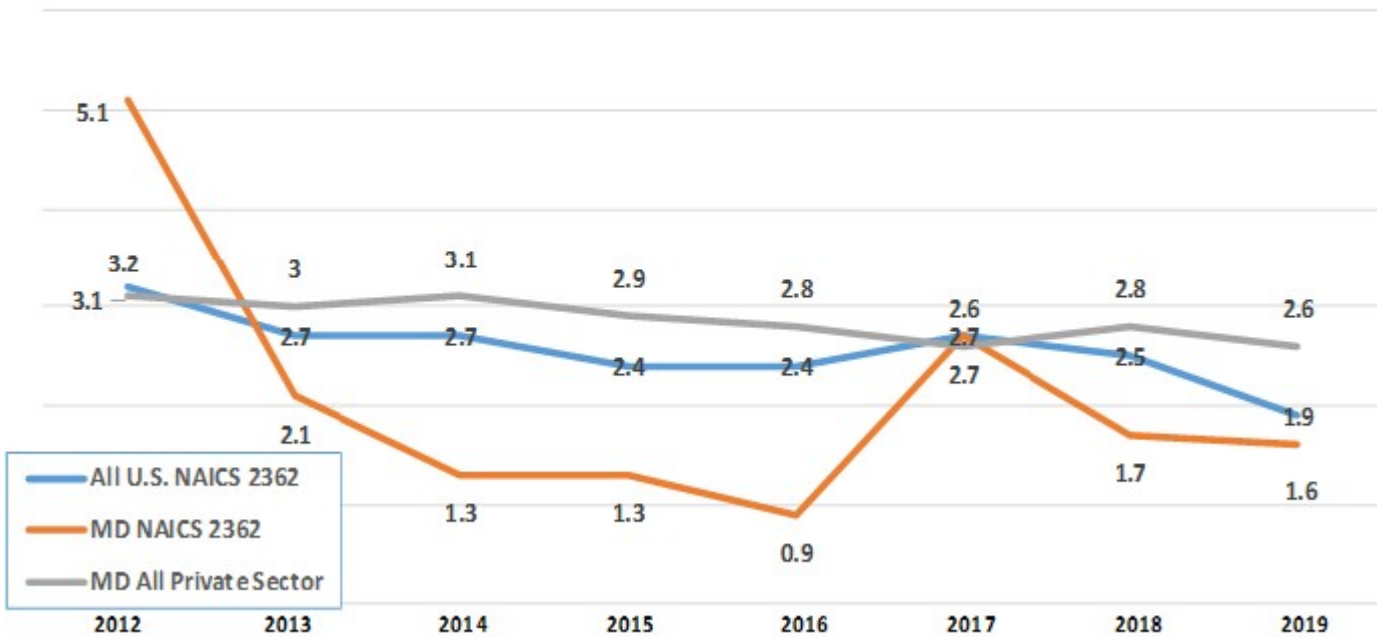
Educational Seminars Offered in FY20

Course Name	Course Name
Blood Borne Pathogens	Preventing Runovers and Backovers
Confined Spaces	MD Tree Care & Removal
Construction Site Safety I	Occupational Exposure to Noise
Construction Site Safety II	Personal Protective Equipment
Electrical Safety & Lockout Tagout	Respiratory Protection
Emergency Response and Disaster Preparedness	Seguridad en la Construction
Excavation Safety	This is MOSH
Fall Protection – Construction	Walking-Working Surfaces
Hazard Communication	Workplace Hazard Assessment
Introduction to OSHA Recordkeeping	Workplace Violence
Job Safety Analysis	OSHA 10hr Construction
Machine Guarding	

MOSH Research and Statistics

In September 2019, the MOSH Research and Statistics unit completed the reference year 2018 data collection for the Bureau of Labor Statistics (BLS) Survey of Occupational Injuries and Illnesses (SOII) program. The statistics generated from this employer-based survey are the U.S. government’s official accounting of the safety and health issues facing America’s workplaces. The SOII charts the nature and magnitude of occupational injuries and illnesses across the United States. The dedication and perseverance of the Research and Statistics staff helps ensure that MOSH has reliable and timely occupational injury and illness data at its disposal for industry outreach initiatives and other surveillance purposes. MOSH recently reviewed SOII data and found a continuation that Maryland's nonresidential construction industry consistently reports fewer injuries and illnesses than the national average.

**Total Recordable Case Rates of Nonfatal Occupational Injuries and Illnesses,
Non-Residential Building Construction, NAICS 2362,
Maryland and all U.S., 2012 -2019**

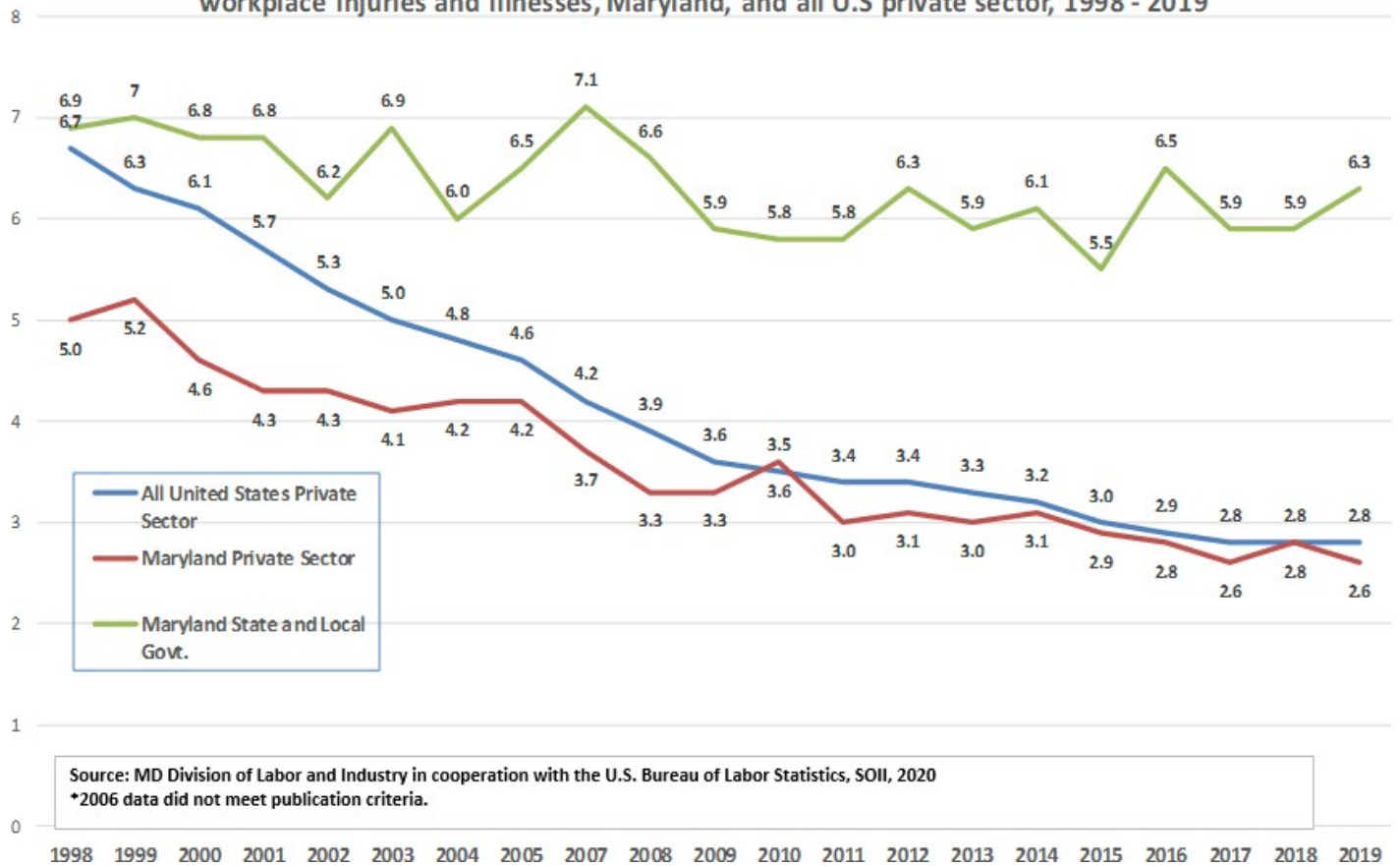


Source: Maryland Division of Labor and Industry in cooperation with the U.S. Bureau of Labor Statistics, SOII Program, 2020.

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Total recordable case incidence rates per 100 full-time equivalent workers for all nonfatal workplace injuries and illnesses, Maryland, and all U.S private sector, 1998 - 2019



APPENDIX A

Summary of Annual Performance Plan Goals for MOSH FY19

- Performance Goal 1.1 – Total Reduction in the Fatality Rate by 1% (5% by end of FFY 2022)
- Performance Goal 1.2 – Reduce the total recordable case incidence (TRC) rate of occupational injuries and illnesses in Maryland’s private sector by 1% (5% by end of FFY 2022)
- Performance Goal 1.3 – Reduce the total recordable case incidence (TRC) rate of occupational injuries and illnesses in Maryland’s State and local government sector by 2% (10% by the end of 2022)
- Performance Goal 2.1 – Increase Recognition Programs from 23 to 24 (5 new Recognition programs by end of FFY 2022)
- Performance Goal 2.2 – Increase Cooperative Compliance Partnerships (CCP) from 94 to 97 (add 15 new cooperative partnerships by the end of FY 2022)
- Performance Goal 2.3 – Increase SPECS partnerships from 6 to 9 (add 15 new partnerships by the end of FY 2022)
- Performance Goal 2.4 – Maintain the total number of people participating in MOSH outreach and training programs at 6,000 participants
- Performance Goal 3.1 – Percent of fatality and catastrophe inspections initiated within one working day of notification maintained at 100%
- Performance Goal 3.2 – Percent of serious complaint inspections initiated within five working days of notification maintained at 95%
- Performance Goal 3.3 – Percent of discrimination complaint investigations completed within 90 working days maintained at least 90%
- Performance Goal 3.4 – Achieve overall satisfaction rating of at least 90% of surveyed responses from the MOSH website and Facebook users
- Performance Goal 3.5 – 90% of responding employers are satisfied with the consultation visit received.
- Performance Goal 3.6 – Provide prompt consultation service.

APPENDIX B

Program Activity Projections:

Total Inspections- Enforcement				
	Safety		Health	
	Projected	Actual	Projected	Actual
Private Sector Inspections	1976	880	165	95
Public Sector Inspections	172	57	22	10
Total	2148	937	187	105

Projected Inspection - Consultation		
	Safety	Health
21(d)	237*	72*
23(g)	53**	8**

Total Inspections – Consultation
<p>* For results of the 21(d) consultation unit please see the FY20 CAPR</p> <p>** In all, 38 23g consultation visits were conducted. 31 were initial visits, one Training and Education, one follow-up visit, and five were initial health visits.</p>

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Strategic Goal 2: Promote a safety and health culture through Cooperative Programs, Compliance Assistance, On-site Consultation Programs, Outreach, Training and Education, and Informative Services.

Performance Goal 2.1: Increase Recognition Programs from 23 to 24 (5 new Recognition programs by end of FFY 2022)

Unit Responsible (data source)	Performance Indicator	Result	Comments
Compliance Assistance (report from consultation unit and VPP unit)	Increase Recognition Programs by 1 new company for FY20.	There was 1 new VPP STAR site awarded in FY20, with 2 sites leaving the program because of facility closures.	By the end of FY20, MOSH maintained one Consultation SHARP program. Four renewals and two new SHARP's were interrupted/delayed by the Pandemic. MOSH maintained 20 VPP STAR sites. The evaluation of two new applications was interrupted and three reapprovals were delayed by the pandemic.

Performance Goal 2.2: Increase Cooperative Partnerships from 94 to 97 (add 15 new cooperative partnerships by the end of 2022)

Unit Responsible (data source)	Performance Indicator	Result	Comments
Compliance Assistance (report from partnership and alliance unit)	Increase MOSH Cooperative Partnerships by 1 new partnership in FY20.	MOSH did not sign any new cooperative partnerships in FY20.	MOSH is currently on pace to exceed the goal laid out in the 5-year strategic plan.

Performance Goal 2.3: Increase SPECS partnerships from 6 to 9 (add 15 new partnerships by the end of FY 2022)

Unit Responsible (data source)	Performance Indicator	Result	Comments
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Compliance Assistance (report from training and education unit)	Increase SPECS Partnerships by 3 new partnerships in FY19	MOSH increased SPECS partnerships by 1 in FY20. The total of sites increased to 7.	Three sites were awarded Level 2 Partner Contractor status. One new site and two sites Level one site that moved up to Level 2. The signing of an additional 3 new sites was delayed by the Pandemic. They will be signed in the 1st quarter of FY21.
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Performance Goal 2.4: Maintain attendance in MOSH outreach and training programs annually at 6,000 participants

Unit Responsible (data source)	Performance Indicator	Result	Comments
Compliance Assistance (report from training and education unit)	Maintain the total number of trainees/participants anticipated to be affected by outreach activities in the areas covered by MOSH LEP's, current SST, and Federal NEP's including formal training, workshops, seminars, speeches, conferences, and informal worksite training at 6,000.	The total number of employees/employers participating in MOSH outreach and training programs in FY20 was approximately 2,719. The total number of participants in the full day and half-day educational seminars was approximately 681. There were approximately 2,038 participants in speaking engagements done by MOSH personnel. MOSH spent over fourteen hours speaking to 429 students at nine different events about workplace hazards.	The annual goal of 6,000 participants was not met due to COVID-19 restrictions. The MOSH Training and Education Unit continues to develop, train, and support senior compliance officers to complete speaker requests and teach seminars.

Performance Goal 3.1: Percent of fatality and catastrophe inspections initiated within one working day of notification maintained at least 100%

Unit Responsible (data source)	Performance Indicator	Result	Comments
Enforcement/ Compliance Assistance	Percentage of fatal case investigations initiated within one working day of notification.	According to SAMM Measure 10, MOSH investigated 28 workplace fatalities, 21 of which were opened within one day of notification.	Out of 28 fatalities, 7 were not opened in one day, all of which were

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(OIS/IMIS)			COVID-related requiring additional time to ascertain work-relatedness. Once work relatedness was determined each case was opened within 24 hours
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Performance Goal 3.2: Percent of serious complaint inspections initiated within an average of five days of notification

Unit Responsible (data source)	Performance Indicator	Result	Comments
Enforcement/ Compliance Assistance (OIS/IMIS) SAMM Report	Serious complaint inspections are initiated within an average of five days of notification.	In FY20 MOSH initiated complaint inspections within an average of 3.90 days.	MOSH instituted measures for complaint tracking that prevented outliers from exceeding 5 days.

Performance Goal 3.3: Percent of discrimination complaint investigations completed within 90 days maintained at least at 90%

Unit Responsible (data source)	Performance Indicator	Result	Comments
Enforcement/ Compliance Assistance (whistleblower web-based application)	Percent of discrimination complaint investigations completed within 90 days.	According to MOSH records, there were 85 discrimination complaints received in FY20. Of those, 63 (74%) were completed within the 90-day timeframe. This increase found investigations exceeding 90-days was the result of historic levels of discrimination complaints for the fiscal year and COVID-19 limitations.	The unit continues to work towards getting complaints completed within the negotiated timeframe.

Performance Goal 3.4: Achieve overall satisfaction rating of at least 90% of surveyed responses from the MOSH website and Facebook users

Unit Responsible (date source)	Performance Indicator	Result	Comments
Enforcement/ Compliance Assistance	This is a continuing Performance Goal carried over from the previous 5-year Strategic Plan, whereas, 90%	Currently, MOSH is using outreach programs webpage to support interdepartmental training, information dissemination, and communication.	The agency continues to support a user-friendly website. As

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Consultation (online review of website)	<p>of website users indicate a positive overall experience when polled at the end of the five-year Strategic Plan.</p> <p>Consultation will share in the technical development of the website and continue to maintain their Federal OSHA requirements, current information, and forms.</p>	<p>MOSH continues to work towards better content management and can update the website on a timelier basis. MOSH is still working toward the goal of having a poll online for users to fill out. MOSH has also continued to utilize social media links such as MOSH website, Department Facebook page, and the State of Maryland YouTube page. We use the Facebook page to keep Maryland employers and employees up to date on the latest safety & health information, educational seminars, and local agency news. We use the two YouTube videos to inform employees and employers about MOSH’s mission. The videos are shown at all our educational seminars and at safety conference informational booths.</p>	<p>we move forward we continue to make all of our processes and information easier to find for the final user. We continue with our efforts to make a “two click” process to locate information such as ordering publications, filing a complaint, and registering for our seminars.</p>
Performance Goal 3.5: 90% of responding employers are satisfied with the consultation visit received			
Unit Responsible (data source)	Performance Indicator	Result	Comments
Consultation (returned and completed DLLR external customer survey from)	Percent of responding employers that rate “overall satisfaction” as satisfactory or better.	All employer surveys received from our public sector consultant(s) were rated as “excellent.” Please see the FY20 CAPR for information on our private sector consultants.	This measure was exceeded for our public sector consultant(s).
Performance Goal 3.6: Provide prompt consultation service			
Unit Responsible (data source)	Performance Indicator	Result	Comments
Consultation (OIS reports)	On average, small high-hazard employers are visited within thirty days of their request for an initial visit;	On average, the initial high-hazard public sector visits were conducted ten days after their request, and the	Our public sector consultant in FY20

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	on average, initial visit reports are mailed within twenty days of the closing conference. Public sector only – see CAPR for private sector.	initial visit reports were mailed eight days after the closing conference.	met both time requirements.